H.R. 16866. A bill for the relief of Antonio Troia; to the Committee on the Judiciary.

H.R. 16867. A bill for the relief of Ninfa Gemma Sinagra; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 16868. A bill for the relief of Miss Ngam Fei Mo; to the Committee on the Judiciary.

SENATE

THURSDAY, AUGUST 4, 1966

The Senate met at 10:30 a.m., on the expiration of the recess, and was called to order by the Vice President.

Rev. William Thompson, Calvary Presbyterian Church, Alexandria, Va., offered the following prayer:

Eternal God, the true Sovereign of history, rule and overrule our human frailties in order that this council chamber may echo with voices of understanding and justice this day. As we debate crucial issues of war and peace, of plenty and poverty, of labor and management, of the realm of the Nation and the rights of the States, keep us aware that we represent, and are commissioned to serve, people. Therefore, let us never be satisfied with being personally enslaved to the power of impassioned politics alone. Free us from being bound to the errors of the past; guide us in our present perplexities; and enable us to plan for an honorable and just future. To Thy gracious guidance we commend our labors this day, and in Thy name we pray. Amen.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Foreign Relations.

(For nominations this day received, see the end of Senate proceedings.)

THE AIRLINE LABOR DISPUTE

The VICE PRESIDENT. The Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 186.

The Senate resumed the consideration of the joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes.

ORDER OF BUSINESS

The VICE PRESIDENT. Under the previous unanimous-consent agreement, the Chair recognizes the Senator from Oregon [Mr. MORSE].

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the majority leader.

COMMITTEE MEETINGS DURING THE SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following committee and subcommittees were authorized to meet during the session of the Senate today:

The Subcommittee on Constitutional Amendments of the Committee on the Judiciary.

The Committee on Banking and Currency.

The Business and Commerce Subcommittee of the Committee on the District of Columbia.

The Permanent Investigations Subcommittee of the Committee on Government Operations.

ORDER OF BUSINESS

The VICE PRESIDENT. The Senator from Oregon is recognized.

Mr. MORSE. Mr. President, I ask unanimous consent, without losing my right to the floor, that I may yield to the minority whip [Mr. KUCHEL] for a statement. What I shall seek to do after that, after consultation with the leadership, is to ask for a live quorum, including a unanimous-consent request that I may be recognized after the quorum call, because the proposal for the parliamentary procedure at the beginning of the session today is as follows: After the quorum call I shall ask consent to offer a modified amendment for the substitute that is now the pending business of the Senate, which the Parliamentarian says I have a right to do. We shall be able to have that modification ready with the cosponsors immediately following a live quorum.

So I ask unanimous consent that, without losing my right to the floor, I may yield to the Senator from California [Mr. KUCHEL].

The VICE PRESIDENT. Without objection, it is so ordered.

ONE VOICE FOR AMERICA IN VIETNAM

Mr. KUCHEL. Mr. President, lately, there has been criticism of intensified U.S. air activity over North Vietnam on Soviet efforts to bring about peace through negotiation. For my own part, I question whether the Soviet Union has ever had any intention of bringing this conflict to the bargaining table.

The Soviet Union has endorsed so-called "wars of national liberation" and is supplying war material to North Vietnam. The New York Daily News recently reported the arrival of new shipments of Soviet-built aircraft to North Vietnam to counter American attacks. And, on July 6, Leonid Brezhnev announced that Soviet aid to the Communist north would grow.

In the same speech, Mr. Brezhnev charged that American acts have produced "a storm of indignation among all honest people of the world. Even the close allies of the United States," he argued, "are disassociating themselves from the crime committed by the American imperialists. Never before has the prestige of the United States fallen to such depths as now."

If the Soviet Union finds it so shameful for the United States to fight in Vietnam, why has she been so anxious to provide missiles and aircraft and military instruction to the north, and to urge aggression against the south, under the counterfeit cry of "war of liberation"?

If the world is outraged, let the U.S.S.R. show leadership, let her show that she will pave the way for the reconvening of a conference at Geneva. It was at Geneva that the agreement giving South Vietnam autonomy was reached, and the Soviet Union approved the agreement. As cochairman of the earlier conference, she has the authority, if not the duty, to act.

If the Soviet Union regards the Vietnam situation as a grave danger to peace, she should be prepared to persuade her North Vietnamese friends of the wisdom of such a course, even if it means incurring the wrath of the paranoids in Peking.

But this is a kind of leadership rarely found among totalitarians. While Brezhnev talks, Red infiltration, terror, and savagery continue.

It is clear that no meaningful effort at negotiation will succeed until the Communist side finally recognizes that it cannot succeed through force of arms and violence; but that, on the contrary, the United States, South Vietnam, and their allies are capable of putting an end to aggression and insurrection in the south.

There is a major communications problem in getting this idea across.

As usual, the Communist camp is counting on its double standard of morality in world affairs, which dictates that violence is permitted in the name of Lenin, Marx, and Mao, but not in defense of human freedom. Because Americans believe in human values, many of our citizens accept the argument that it is wrong forcefully to resist violence in whatever cause.

Sometimes, alas, it appears that America speaks with two voices. The Communists, judging others by a mirror of themselves, delude themselves into thinking we are playing a reverse of their own double game. For the American people are overwhelmingly united to see this ugly affair through. The Communists continue to misgage the firmness of our national will. They intensify their own military activity, believing that America is deeply divided and will give up, and that they are on the edge of victory.

I quote Ho Chi Minh on July 19:

> Of late the U.S. aggressors hysterically took a very serious step further in the escalation of the war: they launched air attacks on the suburbs of Hanoi and Haiphong. That was an act of desperation comparable to the agony convulsions of a grievously wounded beast.

What kind of self-hypnosis is this? This war has become far too deadly to tolerate further shadow shows. The oriental aggressors should look behind the screen to see that the tiger is real.

It is highly important that America's voice come through, loud and clear and officially. There is no second American voice. However, hard some may try to mount one, it is a false voice.

If the Soviet Union wants to promote a just peace, it should seek it through diplomatic negotiations rather than propaganda. Those Americans who vocally demand some kind of abrupt ending to this war, and most of us wish we could be spared all of it, must recognize that amateur attempts at political action are only convincing to the other side, and that in fact they are a cause of intensified war efforts because they deceive the other side.

The point America must emphasize is that her people are united in a determination to see the conflict grimly through. It is time the message got through, too.

THOUGHTLESS EXTINCTION OF BIRDS AND MAMMALS SQUANDERS THE NATION'S TREASURE

Mr. KUCHEL. Mr. President, I am delighted to join my friend, the senior Senator from Washington [Mr. MAGNUSON], in sponsoring legislation that will shortly be before the Senate to protect certain vanishing species of our wildlife. It is a shame, Mr. President, that many of the species of birds and mammals indigenous to this North American land mass have been exterminated. The proposed legislation would provide the means, I think, to halt this process of extermination, and to protect those species whose remnants yet remain.

The California grizzly bear proudly stands in the center of the flag of my State of California. This powerful animal once roamed our Sierra Nevada Mountains, but is now extinct.

Over the last century and a half, 24 species or subspecies of birds, and 12 species of mammals, have been driven to extinction in America, often because of man's thoughtless slaughter of the birds and animals themselves or the destruction of their environment. This elimination of a living part of our American heritage represents a permanent loss to our Nation of one of its spectacular ties with the past, and the sad truth is that it did not have to be.

Among the famous animals which now live only in our folklore are the passenger pigeon, the Carolina and Louisiana parakeets—the only members of the parrot family native to the continental United States—the eastern elk, the Badlands bighorn sheep, and both the California and the Texas grizzly bear.

To allow needless and thoughtless extinction of a species is to squander the Nation's treasure and to repeat the mistakes of the past. To accept indifferently the prospect of extermination for many of our native species today shows a wantonness of mind. Yet, the list of animals facing oblivion grows as our Nation's population and industry expand.

I recognize and commend the devotion with which special efforts to save endangered species have been made by Federal, State, and local governments and by private conservation groups. Without such vigorous efforts the whooping crane, the trumpeter swan, the Kodiak bear, the American buffalo, the fur seal, and a host of other valuable animals would have vanished long ago. But such an approach, however effective in isolated situations, is not the most effective or efficient solution to a problem as diverse as this.

There are 124 animals identified as "endangered with extinction" or "rare" by the U.S. Department of the Interior. This situation demands a program of wider scope than is possible under existing law. Some of the more prominent of the species needing protection are the timber wolf, the grizzly bear, itself a separate species, the key deer, the Sonoran pronghorn, the Tule elk, the California bighorn, the bald eagle, the burrowing owl, the California condor, the white heron, the blue pike, the Atlantic salmon, eight varieties of trout, and the list goes on and on. I ask unanimous consent that a list of rare and endangered fish and wildlife of the United States be printed in the RECORD at the conclusion of my remarks.

The VICE PRESIDENT. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KUCHEL. It is clear, from this list of endangered wildlife, that every section of our country would benefit if the Secretary of the Interior were enabled to protect these endangered species, much as he is able to protect migratory birds.

Given adequate safeguards and consideration for State and local interests in the administration of their fish and wildlife resources, S. 2217 surely is legislation which is in the interest of the Nation.

I thank my able friend, the Senator from Oregon, for yielding to me.

EXHIBIT 1

PRELIMINARY LIST OF RARE AND ENDANGERED FISH AND WILDLIFE OF THE UNITED STATES

(Compiled by the Committee on Rare and Endangered Wildlife Species, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C.)

MAMMALS

Endangered

Indiana Bat—*Myptis sodalis.*
Delmarva Peninsula Fox Squirrel—*Sciurus niger cinereus.*
Blue Whale—*Sibbaldus musculus.*
Humpback Whale—*Megaetpra novaeangliae.*
Atlantic Right Whale—*Eubalaena glacialis.*
Pacific Right Whale—*Eubalaena sieboldi.*
Timber Wolf—*Canis lupus lycaon.*
Red Wolf—*Canis niger.*
San Joaquin Kit Fox—*Vulpes macrotis mutica.*
Do—*Vulpas macrotic nevadensis.*
Grizzly Bear—*Ursus horribilis.*
Black-footed Ferret—*Mustela nigripes.*
Florida Panther—*Felis concolor coryi.*
Guadalupe Fur Seal—*Arctocephalus philippi townsendi.*
Caribbean Monk Seal—*Monachus tropicalis.*
Florida Manatee or Sea Cow—*Trichechus manatus latirostris.*
Key Deer—*Odocoilsus virginianus clavium.*
Sonoran Pronghorn—*Antilocapra americana sonoriensia.*

Rare

Spotted Bat—*Eudorma maculatum.*
Black-tailed Prairie Dog—*Cynomys ludovicianus.*
Utah Prairie Dog—*Cynomys pervidens.*
Kaibab Squirrel—*Sciurus kaibabensis.*
Block Island Meadow Vole—*Microtus pennsylvanicus provectus.*
Beach Meadow Vole—*Microtus braveri.*
Glacier Bear—*Ursus americanus cumonsii.*
Southern Sea Otter—*Enhydra lutris nereis.*
Ribbon Seal—*Histriophoca fasciata.*
Tule or Dwarf Elk—*Cervus nannodes.*
Columbia White-tailed Deer—*Odocoilsus virginianus leucurus.*
California Bighorn—*Ovis canadensis californiana.*
Peningular Bighorn—*Ovis canadensis creamobates.*

Depleted

Gray Whale—*Eschrichtius glaucus.*
Bowhead Whale—*Balaena mysticetus.*
Hawaiian Monk Seal—*Monachus schauinslandi.*

Status undetermined

Alberto's Squirrel—*Sciurus aberti navajo.*
Eastern Fox Squirrel—*Sciurus niger vulpinus.*
Texas Kangaroo Rat—*Dipodomys slator.*
Big-eared Kangaroo Rat—*Dipodomys elephantinus.*
Salt-marsh Harvest Mouse—*Reithrodontomys raviventris.*
Guadalupe Mountain Vole—*Microtus mexicanus guadalupensis.*
Louisiana Vole—*Microtus ludovicianus.*
Florida Water Rat or Round-tailed Muskrat—*Neofiber alleni.*
Polar Bear—*Thalarctos maritinus.*
Pine Marten—*Martes americana.*
Fisher—*Martes pennanti.*
Everglades Mink—*Mustela vison evergladensia.*
Wolverine—*Gulo luscus.*
Prairie Spotted Skunk—*Spilogalo putorius interrupta.*
Canada Lynx—*Lynx canadensia.*
Elephant Seal—*Mirounga angustirostria.*

Peripheral

Coatimundi or Chula—*Naqua narica molaris.*
Jaguar—*Felis onca vernacrucis.*
Ocelot—*Felis wiedil albescens.*
Margay—*Felis wiedil cooperi.*
Jaguarundi—*Felis yaguarunii caconitli.*
Mountain Caribou—*Rangifer tarandua montanus.*
Woodland Carbou—*Rangifer tarandua caribou.*
Musk Ox—*Ovibos moachatus moschatus.*

BIRDS

Endangered

Hawaiian Dark-rumped Petrel—*Pterodroma phaespydia sandwichensis.*
Mene (Hawaiian Goose)—*Branta sandvicensis.*
Aleutian Canada Goose—*Branta canadensis leucopareia.*
Tule White-fronted Goose—*Anser albifrons gambelli.*
Laysan Duck—*Anas laysenensis.*
Hawaiian Duck (Koloa)—*Anas wyvilliana.*
Mexican Duck—*Anas diasi.*
California Condor—*Gymnogyps californianua.*
Florida Everglades Kite (Snail Kite)—*Rostrhamus sociabilis plumbaus.*
Hawaiian Hawk (Io)—*Buteo solitarius.*
Southern Bald Eagle—*Maliaoetus l. leucocephalus.*
Attwater a Greater Prairie Chicken—*Tympanuchus cupido attwateri.*
Masked Bobwhite—*Colinus virginianus ridgwayi.*
Whooping Crane—*Grus americanas.*
Yuma Clapper Rail—*Rallus longirostris yumanensis.*

Hawaiian Common Gallinule—*Gallinula chloropus sandvicensis.*
Eskimo Curlew—*Numenius borealis.*
Puerto Rican Parrot—*Amazona vittata.*
American Ivory-billed Woodpecker—*Campephilus p. principalis.*
Hawaiian Crow (Alala)—*Corvus tropicus.*
Small Kauai Thrush (Puaiohi)—*Phaeornis palmeri.*
Nihoa Millerbird—*Acrocephalus kingi.*
Kauai Oo (Oo Aa)—*Moho braccatus.*
Crested Honey-creeper (Akohekohe)—*Palmeria dolei.*
Akiapolaau—*Hemignathus wilsoni.*
Kauai Akialoa—*Hemignathus procerus.*
Kauai Nukupuu—*Hemignathus lucidus hanapepe.*
Laysan Finchbill (Laysan Finch)—*Paittirostra c. cantans.*
Nihosa Finchbill (Nihoa Finch)—*Psittirostra cantans ultima.*
Ou—*Psittirostra psittacea.*
Palila—*Psittirostra bailleui.*
Maui Parrotbill—*Pseudonestor xanthophrys.*
Bachman's Warbler—*Vermivora bachmanii.*
Kirtland's Warbler—*Dendroica kirtlandii.*
Dusky Seaside Sparrow—*Ammospiza nigrescens.*
Cape Sable Sparrow—*Ammospiza mirabilic.*

Rare

Newell's Manx Shearwater—*Puffinus puffinus newelli.*
Hawaiian Harcourt's Petrel—Oceanodroma *castro crytoleucura.*
Florida Great White Heron—*Ardea o. occidentalis.*
Trumpeter Swan—*Olor buccinator.*
American Peregrine Falcon—*Falco Peregrinus anatum.*
Northern Greater Prairie Chicken—*Tympanuchus cupido pinnatus.*
Lesser Prairie Chicken—*Tympanuchus pallidicinctus.*
Greater Sandhill Crane—*Grus canadensis tabida.*
Florida Sandhill Crane—*Grus canadensis pratensis.*
Hawaiian Stilt—*Himantopus himantopus knudseni.*
Western Burrowing Owl—*Speotyto cunicularia hypugasa.*
Puerto Rican Whip-Poor-Will—*Caprimulgus noctitherus.*
Golden-checked Warbler—*Dendroica chrysoparia.*
Ipswich Sparrow—*Passerculus princeps.*

Status undetermined

Eastern Brown Pelican—*Pelecanus occidentalis carolinesis.*
Anthony's Green Heron—*Butorides virescens anthony.*
Steller's Eider—*Polystista stelleri.*
Spectacled Eider—*Lampronetta fischeri.*
Ferruginous Hawk—*Buteo regalis.*
American Osprey—*Pandion haliaetus carolinensis.*
Prairie Falcon—*Falco mexicanus.*
Evermann's Rock Ptarmigan—*Lagopus mutus evermanni*
Townsend's Rock Ptarmigan—*Lagopus mutus townsendi.*
Turner's Rock Ptarmigan—*Lagopus mutus atkhensis.*
Yunaska Rock Ptarmigan—*Lagopus mutus yunaskensis.*
Chamberlain's Rock Ptarmigan—*Lagopus mutus chamberlaini.*
Sanford's Rock Ptarmigan—*Lagopus mutus sanfordi.*
Amchitka Rock Ptarmigan—*Lagopus mutus gabrielsoni.*
Dixon's Rock Ptarmigan—*Legopus mutus dixoni.*
Columbian Sharp-tailed Grouse—*Pediocecetes phasianellus columbianus.*
Prairie Sharp-tailed Grouse—*Pedioecetes phasianellus campestris.*
Texas Gambel's Quail—*Lophortyx gambelii ignoscens.*
Mountain Plover—*Eupoda montana.*
Bristle-thighed Curlew—*Numenius tahitiensis.*
Alaskan Short-billed Dowitcher—*Limnodromus griseus curinus.*
Hudsonian Godwit—*Limosa haemasticta.*
Pacific Bar-tailed Godwit—*Limosa lapponica baueri.*
Red-legged Kittiwake—*Rissa brevirostris.*
Aleutian Tern—*Sterna aleutica.*
St. Thomas Screech Owl—*Otus nudipes newtoni.*
Hawaiian Short-eared Owl—*Asio flammeus sandwichensis.*
Puerto Rican Short-eared Owl—*Asio flemmenus portoricensis.*
Florida Scrub Jay—*Aphelocoma c. coerulescens.*
Attu Winter Wren—*Troglodytes troglodytes meligerus.*
Pribilof Winter Wren—*Troglodytes t. alascensis.*
Stevenson's Winter Wren—*Troglodytes t. stevensoni.*
Semidi Winter Wren—*Troglodytes t. semidiensis.*
Unalaska Winter Wren—*Troglodytes t. petrophilus.*
Kiska Winter Wren—*Troglodytes t. kiskensis.*
Tamago Winter Wren—*Troglodytes t. tanagensis.*
Seguam Winter Wren—*Troglodytes t. seguamensis.*
Black-capped Vireo—*Vireo stricapilla.*
Puerto Rican Bullfinch—*Loxigillia p. portoricensis.*
Aleutian Gray-crowned Rosy Finch—*Leucosticte tephrocotis umbrina.*
Wallowa Gray-crowned Rosy Finch—*Leucosticte tephroctis wallowa.*
Sennett's Seaside Sparrow—*Ammospiza maritime sennetti.*
Fisher's Seaside Sparrow—*Ammospiza maritima fisheri.*
Yakutat Fox Sparrow—*Passerella iliaca annectens.*
Samuel's Song Sparrow—*Malospiza melodia samuelis.*
San Francisco Song Sparrow—*Melospiza melodia pusillula.*
Suisum Song Sparrow—*Melospiza melodia maxillaris.*
Giant Song Sparrow—*Melospiza melodia maxima.*
Amak Song Sparrow—*Melospiza melodia amaka.*
McKay's Snow Bunting—*Plectrophenax hyperboreus.*

Peripheral

Green-throated Arctic Loon—*Gavia arctics viridigularis.*
Northwestern Least Grebe—*Podiceps dominicus bangai.*
Northeastern Least Grebe—*Podicepa dominicus brachypterus.*
Red-faced Cormorant—*Phalacrocorax urile.*
Eastern Reddish Egret—*Dischromanassa r. rufescens.*
Wood Ibis—*Mycteria americana.*
Roseate Spoonbill—*Ajaia ajaja.*
Northern Black-bellied Tree Duck—*Dendrocygna autumnalia fulgens.*
Masked Duck—*Oxyura dominica.*
Northern Gray Hawk—*Buteo nitidus maximus.*
Northern Black Hawk—*Buteogallus a. anthracinus.*
Northern Aplomado Falcon—*Palco femoralis septentrionalis.*
Northern Chachalaca—*Ortalis vetula mccalli.*
Richardson's Blue Grouse—*Dendragapus obscurus richardsonii.*
Northern White-tailed Ptarmigan—*Lagopus l. leucurus.*
San Quentin California Quail—*Lophortyx californicus plumbeus.*
Gould's Turkey—*Meleagris gallopavo mexicana.*
Northern Jacana—*Jacana s. spinosa.*
Rufous-necked Sandpiper—*Erolin ruficollis.*
Atlantic Sooty Tern—*Sterna f. fuscate.*
Atlantic Noddy Tern—*Anous stolidus atolidus.*
Northern Xantus' Murrelet—*Endomychura hypoleuca scrippsi.*
Whiskered Auklet—*Aethia pygmaea.*
Northern Red-billed Pigeon—*Columba f. flavirostris.*
Northern White-fronted Dove—*Leptotila verreauxi angelica.*
Florida Mangrove Cuckoo—*Coccyzus minor maynardi.*
Northern Groove-billed Ani—*Crotophaga s. sulcirostris.*
Merrill's Pauraque—*Nyctidromus albicollis merrilli.*
West Indian Nighthawk—*Choreiles minor vicinus.*
Northern Buff-bellied Hummingbird—*Amazilia yucatanensis chalconata.*
Northern Violet-crowned Hummingbird—*Amazilia verticalis ellioti.*
Coppery-tailed Elegant Trogon—*Trogon elegans canescens.*
Northeastern Elegant Trogon—*Trogon elegans ambiguus.*
Northeastern Green Kingfisher—*Chloroceryle americana septentrionalia.*
Northwestern Green Kingfisher—*Chloroceryle americana hachisukai.*
Northwestern Rose-throated Becard—*Piatypsaris aglaise richmondi.*
Northeastern Rose-throated Becard—*Piatypsaris aglaise gravis.*
Northeastern Tropical Kingbird—*Tyrannus melancholicus couchii.*
Northwestern Tropical Kingbird—*Tyrannus melancholicus occidentalis.*
Northern Kiskadee Flycatcher—*Pitangus sulphuratus texanus.*
Northern Buff-breasted Flycatcher—*Empidonax fulvifrons pygmaeus.*
Northeastern Beardless Flycatcher—*Camptostomi i. imberbe.*
Northwestern Cave Swallow—*Petrochelidon fulva pallida.*
Couch's Mexican Jay—*Aphelocoma ultramarina couchii.*
Northern Green Jay—*Cyanocorax yncas luxuosus.*
Cascade Boreal Chickadee—*Parus hudsonicus cascadensis.*
Northern Mexican Chickadee—*Parus sclateri eidos.*
Sennett's Long-billed Thrasher—*Toxostoma longirostre sennetti.*
Red-spotted Bluethroat—*Luscinia s. svecica.*
Cuban Black-whiskered Vireo—*Vireo altiloquus barbatulus.*
Colima Warbler—*Vermivora crissalia.*
Cuban Yellow Warbler—*Dendroica petechia gundlachi.*
Northern Olive-backed Warbler—*Parula pitiayumi nigrilora.*
Alta Hira Lichtenstein's Oriole—*Icterus gularis tamaulipensia.*
Audubon's Black-headed Oriole—*Icterus graduacauda audubonii.*
Dickey's Varied Bunting—*Passerina versicolor dickeyae.*
Northern White-collared Seedeater—*Sporophia torquecla sharpei.*
Southeastern Pine Grosbeak—*Pinicola enucleator eschatosus.*
Northern Olive Sparrow—*Arremonops r. rufivirgata.*
Noreastern Botteri's Sparrow—*Aimophila botterii texana.*

FISH

Endangered

Shortnose Sturgeon—*Acipenser brevirostrum.*
Longjaw Cisco—*Coregonus alpenae.*
Lahonten Cutthroat Trout—*Salmo clarki henshawi.*

Piute Cutthroat Trout—*Salmo clarki seleniris.*
Greenback Cutthroat Trout—*Salmo clarki stomias.*
Montana Westslope Cutthroat Trout—*Salmo clarki asp.*
Gila Trout—*Salmo gilae.*
Arizona (Apache) Trout—*Salmo sp.*
Atlantic Salmon—*Salmo salar.*
Desert Bace—*Eremichthya acros.*
Humpback Chub—*Gila cypha.*
Little Colorado Spinedace—*Lepidomeda vittata.*
Moapa Dace—*Moapa coriacea.*
Colorado River Squawfish—*Ptychoceilus lucius.*
CuiUi—*Chasmistes cuus.*
Devils Hole Pupfish—*Cyprinodon diabolis.*
Comanche Springs Pupfish—*Cyprinodon elegans.*
Owens Valley Pupfish—*Cyprinodon radiosus.*
Pahrump Killifish—*Empetrichythys latos.*
Big Bend Gambusia—*Gambusia gaigei.*
Clear Creek Gambusia—*Gambusia heterochir.*
Gila Topminnow—*Poeciliopsis occidentalis.*
Maryland Darter—*Etheostoma gellare.*
Blue Pike—*Stizostedion vitreum glaucum.*

Rare

Lake Sturgeon—*Acipenser fulvescens.*
Atlantic Sturgeon—*Acipenser oxyrhynchus.*
Deepwater Cisco—*Coregonus johannae.*
Blackfin Cisco—*Coregonus n. nigripinnis.*
Arctic Grayling—*Thymallus arcticus.*
Sunapoe Trout—*Salvelinus aureolus.*
Blueback Trout—*Salvelinus oquassa.*
Olympic Mudminnow—*Novumbra hubbsi.*
Ozark Cavefish—*Amblyopsis rosae.*
Suwannee Bass—*Micropterus notius.*
Sharphead Darter—*Etheostoma acuticeps.*
Niangua Darter—*Etheostoma nianguae.*
Trispot Darter—*Etheostoma trisella.*
Tuscumbia Darter—*Etheostoma tuscumbia.*

Status undetermined

White Sturgeon—*Acipenser transmontanus.*
Pallid Sturgeon—*Scaphirhynchus albus.*
Shortnose Cisco—*Coregonus reighardi.*
Colorado Cutthroat Trout—*Salmo clarki pleuriticus.*
Utah Cutthroat Trout—*Salmo clarki utah.*
Eagle Lake Rainbow Trout—*Salmo gairdneri aquilarum.*
Thicktail Chub—*Gila crassicauda.*
Yuaqui Chub—*Gila prupurea.*
White River Spinedace—*Lepidomeda albivallis.*
Kanawha Minnow—*Phenacobius teretulus.*
Mohave Chub—*Siphateles mohavensis.*
Lost River Sucker—*Catostomus luxatus.*
Modoc Sucker—*Castostomus microps.*
Shortnose Sucker—*Chasmistes brevirostris.*
June Sucker—*Chasmistes liorus.*
Rustyside Sucker—*Moxostoma hamiltoni.*
Humpback Sucker—*Xyrauchen texanus.*
Widemouth Blindcat—*Satan eurystomus.*
Toothless Blindcat—*Trogloglanis pattersoni.*
Nevada Pupfish—*Cyrinodon nevadensis.*
Salt Creek Pupfish—*Cyprinodon salimus.*
Waccamew Killifish—*Fundulus waccamensis.*
Pecos Gambusia—*Gambusia nobilis.*
Unarmored Threespine Stickleback—*Gasterosteus aculestus williamsoni.*
Roanoke Bass—*Ambloplites cavifrons.*
Sacramento Perch—*Archoplites interruptus.*
Guadalupe Bass—*Micropterus treculi.*
Blenny Darter—*Etheostoma blennius.*
Fountain Darter—*Etheostoma fonticola.*
Tuckasegee Darter—*Etheostoma gutselli.*
Waccamaw Darter—*Etheostoma perlongum.*
Backwater Darter—*Etheostoma zoniferum.*
Yellow Darter—*Percina aurantiaca.*
Bluestripe Darter—*Percina cymatotaenia.*
Freckled Darter—*Percina lenticula.*
Longnose Darter—*Percina nasuta.*
Sharpnose Darter—*Percina oxyrhyncha.*
Leopard Darter—*Percina pantherina.*
Slenderhead Darter—*Percina phoxocephala.*
Olive Darter—*Percina squamata.*
Tidewater Goby—*Eucyclogobius newberri.*
Rough Sculpin—*Cottus asperimus.*
Tidewater Silverside—*Menidia beryllina.*
Waccemaw Silverside—*Menidia extensa.*

Peripheral

Mexican Stoneroller—*Campostoma ornatum.*
Sonora Chub—*Gila ditaenia.*
Chihuahua Shiner—*Notropis chihuahua.*
Rio Grande Darter—*Etheostoma grahami.*

REPTILES

Endangered

American Alligator—*Alligator mississippiensis.*
Blunt-nosed Leopard Lizard—*Crotaphytus wislizenii silus.*
San Francisco Garter Snake—*Thamnophis sirtalis tetrataenia.*

Rare

Bog Turtle—*Clemmys muhlenbergi.*

Status undetermined

Desert Tortoise—*Gopherus agassizi.*
Gila Monster—*Heloderma suspectum.*
Black Legless Lizard—*Anniella pulchra nigra.*
Lake Erie Water Snake—*Natrix sipedon insularum.*
Two-striped Garter Snake—*Thamnophis elegans hammondi.*
Giant Garter Snake—*Thamnophis elegans gigas.*
Key Blacksnake—*Coluber constrictor haasti.*
Arizona Ridge-nosed Rattlesnake—*Crotalus willardi willardi.*

Peripheral

Green Turtle—*Chelonia mydas mydas.*
American Crocodile—*Crocodylus acutus.*

AMPHIBIANS

Endangered

Santa Cruz Long-toed Salamander—*Ambystoma macrodactylum croceum.*
Texas Blind Salamander—*Typhlomolge rathbuni.*
Black Toad, Inyo County Toad—*Bufo exsul.*

Rare

Pine Barrens Tree Frog—*Hyla andersoni.*
Vegas Valley Leopard Frog—*Rana pipiens fisheri.*

Status undetermined

Larch Mountain Salamander—*Plethoden larselli.*
Cheat Mountain Salamander—*Plethoden nettingi.*
Georgia Blind Salamander—*Haideotriton wallacei.*
Grotto Salamander—*Typhlotriton spelaeus.*
Shasta Salamander—*Hydromantes shastae.*
Amargosa Toad—*Bufo boreas nelsoni.*
Houston Toad—*Bufo houstonensis.*
Illinois Chorus Frog—*Pseudacris streckeri illinoensis.*

ORDER OF BUSINESS

Mr. MORSE. Mr. President, I am about to ask for a quorum call, but first I ask unanimous consent that, following the quorum call, I may be recognized.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MORSE. Mr. President, I suggest the absence of a quorum; and I ask that it be a live quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 168 Leg.]

Aiken	Hickenlooper	Muskie
Allott	Hill	Nelson
Anderson	Holland	Neuberger
Bartlett	Hruska	Pastore
Bayh	Inouye	Pearson
Bible	Jackson	Pell
Boggs	Javits	Prouty
Burdick	Jordan, N.C.	Proxmire
Byrd, Va.	Jordan, Idaho	Randolph
Byrd, W. Va.	Kennedy, Mass.	Ribicoff
Cannon	Kennedy, N.Y.	Robertson
Carlson	Kuchel	Russell, S.C.
Case	Lausche	Russell, Ga.
Church	Long, Mo.	Saltonstall
Clark	Long, La.	Simpson
Cooper	Magnuson	Smathers
Cotton	Mansfield	Smith
Curtis	McCarthy	Sparkman
Dirksen	McClellan	Stennis
Dodd	McGee	Symington
Dominick	McGovern	Talmadge
Douglas	McIntyre	Thurmond
Ellender	Metcalf	Tower
Ervin	Mondale	Tydings
Fannin	Monroney	Williams, N.J.
Fong	Montoya	Williams, Del.
Griffin	Morse	Yarborough
Gruening	Morton	Young, N. Dak.
Harris	Moss	Young, Ohio
Hart	Mundt	
Hartke	Murphy	

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Tennessee [Mr. GORE] are absent on official business.

I also announce that the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], and the Senator from Maryland [Mr. BREWSTER] are necessarily absent.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Iowa [Mr. MILLER] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

The PRESIDING OFFICER (Mr. TALMADGE in the chair). A quorum is present.

THE AIRLINE LABOR DISPUTE

The Senate resumed the consideration of the joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes.

The PRESIDING OFFICER. Under the unanimous-consent agreement, the Senator from Oregon is recognized.

Mr. MORSE. Mr. President, on the desk of each Senator is a proposed modification of the resolution that is now pending at the desk. The resolution pending at the desk, a copy of which was supplied to each Senator yesterday, was introduced by me and cosponsored by the majority leader [Mr. MANSFIELD], the chairman of the Committee on Labor and Public Welfare [Mr. HILL], and the Senator from Florida [Mr. SMATHERS].

I shall ask to modify that amendment shortly, by way of a substitute, and I shall explain the modification. But I ask Senators to read the copy of the modification which is on their desks, so that any Senators who wish to notify me of a desire to cosponsor the modification can notify me before I send it to the desk.

I wish to say that the minority leader has been very helpful and cooperative in regard to this matter. In fact, a good many of the modifications were first proposed by him as a possible compromise. He has advised me that a list of names of cosponsors on the Republican side is now being prepared, which will be handed to me shortly; and I prefer to have that list—may I say to the minority leader—before I send up the proposed modification.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I should like very much to welcome cosponsors from my side of the aisle. The Senator from Ohio [Mr. LAUSCHE] has asked that I add his name to the list of cosponsors.

Without losing my right to the floor, I yield to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, I should like to ask the Senator from Oregon this question: In the mimeographed sheets containing apparently the present resolution as of 6 o'clock last night, the sixth and seventh lines formerly read "threaten substantially to interrupt interstate commerce to a degree such as to deprive every section of the country." The last few words have apparently now been changed to "any section of the country," is that correct?

Mr. MORSE. It was a typographical error. It is correctly stated in the resolution pending at the desk.

I detected that after it had been distributed. I called counsel immediately, and asked that the word "every" be changed to "any," because that was a clear typographical error. And it has been changed, I am advised by the staff member. It has been changed, supposedly, on the copy that is on the desk of each Senator.

Mr. DOUGLAS. Do I correctly understand the Senator from Oregon to say that the thrust of his present proposal is that if any section of the country is deprived of essential transportation services, men can be required to return to work against their will? It does not have to be a general national deprivation, but merely if any section is deprived?

Mr. MORSE. The Senator is correct. That is the language of the Railway Labor Act. It is a direct quote from the Railway Labor Act, and the resolution itself is bottomed completely, in regard to the jurisdiction of Congress to regulate interstate commerce, on the exact language of the Railway Labor Act.

Mr. DOUGLAS. Does the Railway Labor Act require the return of men to work if means of conciliation, mediation, and the rest have broken down? Does the basic Railway Labor Act require compulsory arbitration? I had never supposed it did.

Mr. MORSE. That is not what the Senator from Oregon has said, and that is not the position that the sponsors of the legislation have taken.

What we say is that this strike has interrupted essential transportation in various sections of this country, to the degree that the public interest requires that Congress pass legislation that will send the men back to work and provide for the men who are involved the safeguards which are set forth in other portions of this resolution.

Mr. DOUGLAS. Is it not true therefore that this language prescribes a requirement which is not contained in the basic Railway Labor Act?

Mr. MORSE. There is no requirement in the basic Railway Labor Act that if men strike, they should be sent back to work.

Mr. DOUGLAS. That is the point I am trying to make.

Mr. MORSE. That matter rests with the wisdom of Congress. The Senator from Illinois exercised his wisdom in regard to that matter in 1963, by preventing men from even going out on strike, and voting for a law that put them into compulsory arbitration. The Senator from Oregon voted against it.

Mr. DOUGLAS. I think that perhaps the Senator from Oregon was wiser at that time than he is today. We are not in as grave a situation as in 1963 or 1946.

Mr. MORSE. He was right then, and he thinks he is right today.

Mr. DOUGLAS. I am sure the Senator from Oregon thinks so. The question is whether he is.

Mr. MORSE. That will be for events to determine.

Mr. DOUGLAS. I thank the Senator.

Mr. CLARK. Mr. President, before the Senator proceeds will he yield to me for a question?

Mr. MORSE. I yield.

Mr. CLARK. On page 18098 of yesterday's RECORD, in column 1, the Senator commented at some length on the desirability of having an indication from the President of the United States as to whether he would sign the Senator's substitute if it were passed. I wonder if the Senator has had any response to that from the White House.

Mr. MORSE. The White House is not asking for legislation. It is not asking that we not pass legislation, either. It has made clear to the Senator from Oregon that if we pass legislation, the White House hopes that it will be fair, reasonable, and constitutional.

Mr. CLARK. I do not want to press the Senator.

Mr. MORSE. I have told the Senator from Pennsylvania what I know. That is all I know about it.

Mr. CLARK. But the Senator from Oregon went further in the comment to which I referred. He said he had talked with a representative of the White House and had advised him that it would be helpful if today the President advised the Congress that if the Senator's substitute joint resolution were passed, the President would sign it. My inquiry is: Has the Senator had any reply to his suggestion?

Mr. MORSE. I have received no information that such a letter will be forthcoming. I still hope that such a letter will be forthcoming. But I owe it to my own record and I owe it to those who have worked so diligently on this matter to say that I do not have the slightest doubt that if the substitute joint resolution that we are now offering is passed by Congress, the President will sign it. But I am in no position to say that I have been told by the President that he will sign it. I cannot speak for the President, I can make my own interpretations as to what I think the President's position is on this matter. I think the President should advise us of his position, or that at least he should indicate his position on the substitute resolution. But he has the Presidential right to do otherwise.

I am satisfied that the President's position is that he is not going to tell Congress in any way what it should or should not do. He is going to leave the legislative process completely in the hands of Congress. As the President, he will exercise the Presidential prerogatives after the legislation is passed.

All I can say is that I am satisfied that if we pass the joint resolution, it will be signed. I cannot possibly say anything more and be within the realm of fact. I do not intend to go, as I never knowingly go, outside the realm of fact.

Mr. CLARK. Mr. President, if the Senator will bear with me. I think there are a good many Senators, including the Senator from Pennsylvania, who agrees with the Senator from Oregon that it would be most helpful if, before we passed either the present substitute or any other substitute, we were advised whether or not the President would sign it.

I can understand the President's reluctance in advising us to that effect, since I understand he does not want to take any part in putting the men back to work.

Mr. MORSE. He does automatically become a party to it if, as, and when he puts his signature on any bill we pass. I have made that clear over and over again on the floor of the Senate, and I have made it clear in my representations at the White House.

There is no question about the fact that the President shares the view of the Attorney General in regard to the legality of my legislation. There is no question as to the legality and constitutionality of my legislation. I think that bears upon the information I gave when I told the Senate that the President hopes that if the Congress passes legislation it will be fair, reasonable, and constitutional legislation.

I yield to the Senator from Rhode Island [Mr. PASTORE].

(At this point, Mr. MUSKIE assumed the chair.)

Mr. PASTORE. Mr. President, I thank the Senator from Oregon. I wish to say at the outset that I do not mean any impertinence at all in the question that I am going to ask. There has been extensive and intensive discussion here as to whose responsibility it is to act at this moment; and we have raised this bugaboo about passing the buck to the President.

As the Senator from Rhode Island understands this joint resolution, it cannot take force and effect until the President signs it. If he refused to sign it, I suppose it would come back here for an overriding of the veto.

By the substitute we are putting the President on the spot without any exercise of choice, no chance of other solution. His is a dilemma without discretion. If he refuses to sign it he is saying

that the Congress is wrong in ordering these people back to work. On the other hand, if he does sign it he does become a party in ordering these people back to work.

The point that the Senator from Rhode Island is making is this:

Does not the Senator think that because of the divergence of point of view that now exists, even within this body, we should leave the discretion to the President as to whether or not a crisis has arisen in which collective bargaining should be brought to a stop, and that action must be taken to break a strike? Surely no matter how we look at it, by the action of the substitute, if we enact the substitute today, are we not actually breaking the strike? There is no question about it. We are telling those people, "You have to go back to work for 30 days." Then, we set about providing machinery to bring about an ultimate settlement.

I do not intend to quarrel with the Senator. He is an expert in this field and I know that he is sincere in what he is trying to do.

I think that the drastic mistake we are making today is depriving the President of the discretion to watch this matter closely; and to act if and when the point of national emergency is reached. We would be setting the trigger for compliance on the part of workers who may be inconveniencing people in these long-haul airplane rides. What we are actually arguing today is to cataclysmically bring this matter to a halt without having had anybody say an emergency or crisis exists and mandating without the exercise of discretion by the President. I think that that is all wrong.

Mr. MORSE. I say respectfully that I do not reach the same conclusion as the Senator from Rhode Island because I think under our separation of power doctrine Congress finds itself in a position where it has a responsibility to determine whether or not it wants to pass legislation, irrespective of whether or not it gets the kind of commitment from the President that some seek. In my judgment, we fail in our duty to the American people, whose interests are sorely affected by the strike, if we refuse to pass legislation today. We cannot justify not voting in favor of the substitute resolution simply because we have not received a recommendation from the President as to what he would favor.

The President has exhausted the law. When we talk about breaking a strike, the Railway Labor Act has already been used to break a strike. The application of that law prevented them from going on strike for 60 days. The decision was made to apply the terms of the law. The union had reached the decision to go on strike and the Railway Labor Act was applied and prevented the strike.

Now, the Railway Labor Act has exhausted itself. The resolution, if passed by Congress, would extend the time and order them back to work, when signed by the President.

Mr. PASTORE. The action here today is tantamount to changing the rules in the middle of the game.

Mr. MORSE. What does the Senator mean; in the middle of the strike?

Mr. PASTORE. Absolutely.

Mr. MORSE. Not only against the carriers, but against the public interest.

Mr. PASTORE. The right to strike is inherent in the labor movement.

Mr. MORSE. But not absolute.

Mr. PASTORE. Not absolute, and that is what I am discussing. What right do we have here, today, to take absolute action? That is what we are doing. The word "absolute" is being used here.

Is there any Senator in this Chamber, if he were sitting in a judicial capacity, who could say, "I have heard everything that needs to be heard on the issue before I can make judgment conclusively and absolutely to cut off the rights of persons"? That is what disturbs me.

I submit that the public has not been heard on this. We had several hearings. I understand there was called in one representative of these people. I do not know if Mr. Meany has been heard, or whether Mr. Reuther has been heard. The Senator from Rhode Island has not heard anybody of authority and responsibility who declares definitely, conclusively, and absolutely that we have reached a point so critical that we must break off the existing law and philosophy, and command, "You go back to work whether you like it or not."

I do not think that we have had proof of the efficiency of this legislation by a preponderance of the evidence or beyond a reasonable doubt.

Mr. MORSE. I think that many Senators have heard from Mr. Meany and from the representatives of labor. Before we start to talk about the courts, there is no question what the courts would do. If Congress passes this substitute resolution, exercising its power to regulate interstate commerce, it will be sustained. Cases are perfectly clear that this falls within the unquestioned power of Congress when it becomes law, which means when it is signed by the President. We might as well face the fact. We have under consideration a question of fact.

Mr. PASTORE. Of course, we are interested in facts.

Mr. MORSE. If we do not believe that the public interest is entitled to be protected by sending the men back to work under a resolution which protects their legitimate rights, then vote against the resolution. But the public, let me say, is entitled to be protected.

Wages are no longer an issue in this case. There was an issue about wages but that is not involved in this case any more. The machinists union was getting $3.52 an hour. We offered them $3.98. They asked for only $4.04; their official demand as served upon the carriers was $4.04. They settled for $4.08 the other night.

The wage issue is therefore out the window. There is no wage issue existing between the carriers and the union. That was settled by a collective-bargaining agreement. They got more than they asked for in the beginning. On the other points which are in issue, let me tell the Senator, we cannot possibly justify a strike against the public. There is no question, if they get their demands, that they will receive a 7- to 8-percent increase. In my judgment, any group of reliable economists will say that that would go far beyond a noninflationary increase. That is where in my view we owe a duty to the public to come in and adopt the substitute resolution which we are about to offer.

Mr. PASTORE. I am not questioning our duty to the public. I think we can dress this thing up and embellish it with fancy words which have an attractive connotation. But we are not getting to the central point. What the Senator and I are discussing now is the corpus delicti, the national emergency. The Senator is assuming that it exists. I am saying that it has not been proved. Before we prove it, let us not find the defendant guilty. That is my argument today.

I am not satisfied that at this very point any drastic action has to be taken. But I am willing to say that we should enact legislation to give standby authority to the President that if we do get to a critical point, then he can act as the Chief Executive. That is the only fault I find. I am not saying that we should not apply ourselves to this issue. I think the time has come for the Senate to be concerned and to be involved. The only question is: What action do we take?

Do we take cataclysmic action, or pass standby legislation, if this thing does become critical, if the public interest is further injured? Let us not assume it at this point. Let us wait until it has been proved. Then the President, who speaks for all the people of the country and is just as much concerned with the national interest as I am, or the Senator from Oregon can act in that interest at least he will have law under which he can protect that public interest, which he cannot do today without this further authority.

That is the argument I am making.

Mr. MORSE. I want to reply to the Senator from Rhode Island by saying that he does not agree that the proof is in the RECORD. I believe that the RECORD is saturated with proof that the public interest is being irreparably damaged by the strike; that Congress must come to the aid of the public. The strike now is more against the public than it is against the carriers. If the Senator does not believe that, then, of course, he will not vote for the substitute resolution.

In regard to the matter of law, I am not going to vote for a resolution which, in my judgment, runs the great legal danger that the Clark resolution runs. I know the arguments of the distinguished Senator from Pennsylvania and the distinguished Senator from New York, that they believe it is constitutional.

I do not think it is constitutional. The Attorney General does not think it is constitutional. All we would be doing, if the Clark resolution were to be adopted, would be to buy a lawsuit for the administration and get into litigation.

What we need to do is to pass legislation, and if the President signs it—and I am satisfied that he will—we then join him as partners in proceeding to work out, under the terms of this substitute resolution, a settlement of the case.

Mr. PASTORE. Does the Senator feel that the President will not sign the Clark resolution?

Mr. MORSE. I make no comment as to what the President will do.

Mr. PASTORE. I wonder what the authority is for assuming that he will not sign?

Mr. MORSE. Because I believe it is illegal. I have little difficulty thinking that if the President is going to sign something which the Attorney General tells him is illegal that he will sign it; but, of course, I cannot and do not speak for the President.

Mr. PASTORE. If the Senator will yield once more, I do not wish to delay him further from his presentation, but I want to say that we are all talking about the public interest. I realize that a serious situation exists. Every major strike is serious. I am sure there are people who are inconvenienced, but I say in all honesty that I have not received over 50 letters from Rhode Island on the matter. It might well be that the people of my State are not so much affected by these large trunklines which run great distances. It may be our Rhode Island people are not that much interested—but the fact remains that we are talking about a serious situation and an even more serious solution. We are talking about a cataclysmic action which could destroy the philosophy of the right to strike and employ collective bargaining. There is no question about that. I am saying that we must give the President some kind of standby authority to watch the matter closely and to move swiftly if he feels he must. I do not think it is fair, without the President's choice to make a determination, for the Senate, on its own, to say, "We are at the end of the line." That is what I am talking about today. I do not know whether we are at the end of the line. But, if we are, why can we not leave the determination to the discretion of the President?

That is the argument I make today.

The Senator says that the RECORD is saturated.

Who saturated it?

Mr. MORSE. The Secretary of Labor, in his entire testimony——

Mr. PASTORE. He and the Senator from Oregon. [Laughter.]

Mr. MORSE. It is all in the record, setting forth the sources of information in the Federal Government, that there is an interruption of essential transportation in various sections of the country that calls for the application of the Railway Labor Act.

But, let me say, in 1963, the Senator from Rhode Island and other Senators voted for the compulsory arbitration bill without even a strike occurring. They passed legislation that put the workers in the position where they were subjected to compulsory arbitration.

Mr. PASTORE. I was just waiting for the Senator from Oregon to make that statement. Will he yield on that point?

Mr. MORSE. And I want to reply to what I know the Senator is going to say. Go ahead.

Mr. PASTORE. Oh?

Mr. MORSE. Go ahead.

Mr. PASTORE. Sure. Because that was suggested by the President of the United States. That is that point I make. President Kennedy sent it up here.

Mr. MORSE. The President of the United States never proposed compulsory arbitration in that case. The President never sent to us the bill which the Senator brought out of committee. He sent to us quite a different bill, as I said yesterday. The morning of the day that the Senator voted for the compulsory arbitration bill I was called down to the White House by the President, after he had talked to the majority leader over the telephone, and asked me to offer a bill as a substitute bill. He said he wanted it offered, even if only the Senator from Oregon and the Senator from Montana would vote for it. I did not want to be any party, at that stage, to the bill which the Senator from Rhode Island brought out of committee. The Senator is one of the fellows that imposed compulsory arbitration on labor in 1963 by his bill. The men were not even out on strike yet. They only threatened to strike.

Mr. PASTORE. If the Senator will yield further? Will the Senator yield to me?

Mr. MORSE. Oh, surely.

Mr. SIMPSON. Mr. President, I cannot hear. [Laughter.]

Mr. MORSE. I want to say that the implication on President Kennedy is based on the message which he sent to Congress on the emergency which existed at that time.

The Senator is wrong if he is trying to implicate the President with compulsory arbitration. He finally signed it, but with great reluctance, let me say.

Mr. PASTORE. I do not know about that.

Mr. MORSE. I do.

Mr. PASTORE. I do not know about that.

Mr. MORSE. I do.

Mr. PASTORE. I was the manager of that bill. I daresay there is no man in the Senate who knows more about the background of the bill and what transpired in that case than I.

I talked with President Kennedy. I do not care who else did or did not. I know that President Kennedy was behind the bill that was passed without the hesitancy or this reluctance which is being mentioned here today.

We had a serious situation that involved the economy of this country. President Kennedy said this strike could not take place without doing irreparable harm to the national interest. We passed that bill. I managed the bill. The President signed it. After he signed it he called me up and thanked me for the part I played in it.

Mr. MORSE. Nobody questions the sincerity of the Senator from Rhode Island, but if the Senator stands on the floor and states that the President wanted that bill, I tell him that he did not want that bill. He wanted a different bill. That is why I offered it. He did not want the Senator's bill. He asked me to offer a substitute, which I did offer. He asked me how many votes I would get. I said 10. We got 15.

Mr. PASTORE. I stand on what I said.

Mr. MORSE. And I stand absolutely on what I have said. The RECORD shows what the President said. I offered the President's bill at his request. Read the RECORD.

Mr. PASTORE. I read the RECORD. In fact, I made the RECORD.

Mr. MORSE. Now Senators want to give the President discretionary power without living up to Congress' responsibility.

Mr. PASTORE. Why does the Senator from Oregon think we are passing the buck unless we pass the proposal he is talking about, which does not go into effect unless he signs it? If we say, "Take it or leave it," we are passing the buck?

Mr. MORSE. Congress has the responsibility under the interstate commerce clause to do its duty.

Mr. PASTORE. Let us not act absolutely, unequivocally, and without recourse, without the participation of the President of the United States. That is what we are trying to to do. We are trying to exclude him from it. We are trying to reach a decision that is irrevocable, without any choice or discussion on the part of the President of the United States, the one man who is elected by all the people. That is absolutely wrong. I do not know if President Johnson wants it this way. He has not said yes or no, but the President is out of it. We are deliberately excluding a determination by the President of the United States under any circumstances, and that is absolutely wrong. We are taking executive action without participation or choice on the part of the Executive himself, and that is absolutely wrong.

Mr. MORSE. I only want to say, in reply to the Senator, that we are giving the President discretion under my proposal to sign or not sign. That is the discretion, and that is the only discretion, we have the right as Members of Congress to pass to him. We have not any right to pass to the President what I consider to be an illegal attempt to regulate interstate commerce by his issuing such order as he wants to make them go back to work, after the evidence is clear that there is an interruption to essential transportation in many parts of the country.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. JAVITS. I shall not repeat the arguments which have been made, but assuming the arguments which have been made with respect to the President's signing the resolution, which makes him a party to this legislation, and the fact that we are following a pattern of the law which inhibits a strike in this area, and which has inhibited it for 8 months, I think the public has a right to have determined whether that strike should be further inhibited under the pattern of the law that is in existence, rather than imposing a new obligation.

This is not a measure for compulsory arbitration which deals with terminal settlement. It only continues for a longer period of time the cooling off period already provided for in the law.

I agree with the Senator from Rhode Island that it would have been preferable, and I felt it was preferable in the committee—and I have had something to do with this legislation—to give the President authority; but, generally speaking, Congress gives authority only to one who asks for it, who gives an indication that he wants it.

I think that is the greatest defect here. I do not criticize the Senator from Oregon. I am as deeply concerned as he is about this dispute. The biggest trouble and the reason why Congress may have to go this route, which the Senator from Oregon believes is in the public interest—and I had a great deal to do with drafting this measure—is that the President has failed to tell us what he wants.

He has failed to tell us what authority he would like to exercise. He has left us absolutely rudderless and adrift.

I am not trying to criticize what the Senator has said. At the worst, he is 49 percent right. But what the President has done, if we are men and Members of Congress, is leave it up to us without any recommendation. He has said, "You act."

The only indication the President has given us is the preference of Secretary Wirtz, which is against the Clark resolution. He does not want that authority, if we can put any credence in what Secretary Wirtz has said in his statement. He personally thinks, if they are going to do something that is best under the circumstances, they want the Morse formula, if there is any substance in Secretary Wirtz' words.

We are following the pattern in the law which does inhibit the strike. We are extending the pattern for a given period of time. We are not trying to make a definitive conclusion. Whether we exercise the power or give it to the President is tweedledee-tweedledum, because if he signs the resolution, the responsibility is with the President. He then receives the authority, if he intends to use it, and if he intends to use it, he has to do it now. The provisions of the Railway Labor Act are in effect in the definition, not that there is a national emergency, but that there is a stoppage of essential transportation in given sections of the country.

On balance, in view of the compromise and the 30-day period of time, during which there is a period for the President to exercise that authority, and if that is the best way to get a consensus, that is the way to go.

Mr. PASTORE. Mr. President, will the Senator from Oregon yield, so that I may answer the statement of the Senator from New York?

Mr. MORSE. I yield. I shall continue to be accommodating, but I hope that sooner or later—I hope sooner than later—I may send my joint resolution to the desk.

Mr. PASTORE. If the Senator prefers that I not speak now, I shall wait.

Mr. MORSE. No. I think the discussion is pertinent now and is in the interest of continuity.

Mr. PASTORE. The first point that the Senator from Rhode Island makes with respect to the substitute joint resolution concerns the language in subsection (b):

> The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Nothing in the joint resolution declares that the national interest is involved. I am questioning why that has not been included in the joint resolution. If the corpus delicti in this instance is the national interest, and if it is being irrevocably harmed, why is that not stated in the joint resolution?

In answer to the question, "Why has not President Johnson spoken out?" I simply say that President Johnson has been immediately involved in the dispute. We are people of experience. We are practical minded. We are realistic people. We do not just go ahead and recommend that Congress take drastic action when we are trying to get the parties to come together. The President did make an effort to get them together. As a matter of fact, he brought them under his own roof. He was involved in the problem to the extent that any man could become involved in it. We do not start pushing people around and threatening them with drastic legislation while they are in the process of meeting to negotiate a settlement.

That may be why the President did not make a recommendation to Congress. But over and above that, what obligation is there on the part of the President to tell us what he thinks we should do or should not do, if in his own mind the time has not come for him to speak out?

Has he not the authority, has not the privilege, to say, "I must weigh the facts. I would prefer at this time to let the parties resolve their own dispute before I recommend to Congress that legislation be passed which in effect would break the strike"?

There is no question at all what Congress will do if the substitute joint resolution is passed. We will be breaking a strike. Senators talk about inhibition. This is not inhibition; it is the breaking of a strike that is already in progress.

I say again that it grieves me that the airlines mechanics should have struck. It grieves me that they did not accept the recommendation made by their own leaders. But that is another question. I say that the Senate will become the instrumentality of strikebreaking if we pass the substitute joint resolution. We pretend to justify our action on the ground that the national interest is being irreparably harmed, yet no reference is made in the joint resolution to the harming of the national interest.

We say we need an emergency measure. But it not to meet an emergency, not to end a national emergency or to promote the national interest. It is only so that the strategic transportation service of certain carriers shall continue. I will admit that as a legal proposition we have the authority to do that. Under the Constitution, Congress has the right to pass legislation that has to do with transportation. I do not question that for a single moment.

It is not a matter of right—but of reasoning. Reason tells us that this is a very, very serious action. What we will do here, if we pass this substitute, would repudiate the philosophy of collective bargaining and the rights of people to work or not to work when there is a dispute. Before we take that action, without consultation with the President, without giving him some authority to exercise the powers of his high office, I say we had better beware, or this will come back to haunt us.

Today we are weighing everything else. We are weighing the national interest as against the breaking of this great philosophy, which is a hallmark of our country. We have held up as a flag unfurled to the entire world the right of the American worker to be democratic and to be free.

I say that we must take action. That action, in all probability, will be drastic, and no question about it. But let us not arrive at the moment that, on the strength of evidence before us thus far, we must go as far as to break a strike.

Mr. MORSE. All I can say is that I am at a loss to understand his argument, when the Senator from Rhode Island was one of those who, in 1963, voted to prevent men from even striking.

I yield to the Senator from Illinois.

Mr. DIRKSEN. Mr. President, it is very interesting to hear this remastication of history, and to see this threshing of old straw.

But while we do it, there are people sitting in airports, or at the end of a telephone line, wondering how they can get to the home or the place where there has been a bereavement in the family.

While we are sitting here threshing old straw, there are business people chomping their teeth and biting their nails, wondering how to get sensitive and delicate replacement parts to industry in all parts of the country, in order to prevent further layoffs of people.

While we sit here threshing old straw, there are perishables—whether they are young poults in California, or baby chickens of Illinois, or flowers or fruits or vegetables in Florida—that are seeking a market, and are probably being destroyed right now through the processes of heat and of age.

While we are here threshing old straw—and I cannot prove this, except by a memorandum that was handed me yesterday morning—there are bodies from Vietnam out in San Francisco that cannot get to the homes where they belong for a decent and proper interment. There are people trying to obtain seats on airplanes to go to the bedsides of loved ones who are dying, and we sit here frittering away a lot of time, to see on whose back the monkey is going to be.

There are no winners in an earthquake, and there will be no winners in

this situation. I have been prepared from the outset to accept a share of this responsibility by Congress as well as by the President. Right now, Mr. President, I hand to the distinguished Senator from Oregon—and it is easier for him to walk than it is for me—a list of the names of 10 minority members, with my own name at the top, as sponsors for the substitute that he proposes to offer; and if there are others who wish to associate themselves in this common endeavor, the way and the time are still open.

Mr. CLARK. Mr. President, will the Senator yield so that I may make a comment to the Senator from New York about what he said a while ago?

Mr. MORSE. I yield, with the understanding that I may do so without losing my right to the floor.

Mr. CLARK. I think the Senator from New York, inadvertently, overstated the position of Secretary Wirtz with respect to his feeling about the Morse resolution and the committee resolution. I read from his testimony at page 103 of the hearings on August 1:

Senator CLARK. But you are also in accord, are you not, Mr. Secretary, that if the bill which the committee agreed to by a vote of 11-to-5 is amended to eliminate the three 60-day periods—

And it was—

you think it relatively unimportant whether or not the trigger is made by the President or by the Congress?

Secretary WIRTZ. Yes. And again I can put it, the answer to that question is yes, and I can completely answer you only by saying that it, in my mind, was relatively unimportant. There seem to me reasons which commend its being done in a single act, as long as the findings go as far as the findings in the resolution bill, in terms of an immediate situation. But you are correct that I do not attach controlling importance to that.

I think we are arguing about how many angels can dance on the end of a pin. I agree with the Senator from Rhode Island that it is far better law; it is far better political judgment; it is far wiser to leave this decision to the President.

I cannot understand how people at the White House can get so insistent that Congress take the responsibility to perform, as the Senator from Rhode Island has said, an executive action.

What we should do is give the President the authority to move in this situation—if in his discretion he thinks it is wise to do so.

Mr. JAVITS. Mr. President, will the Senator yield so that I may reply to that statement?

Mr. MORSE. Yes, with the understanding that I may do so without losing my right to the floor.

Mr. JAVITS. It is entirely true, as the Senator from Pennsylvania has said, that that is entirely consistent with my statement. They did prefer the Morse plan, but the Secretary did not consider that of overriding importance.

Mr. CLARK. Does the Senator from New York consider it of overriding importance?

Mr. JAVITS. I do not, and I think that point is the nubbin of this whole controversy. With all due respect to the Senator from Rhode Island, if we give the President the power, he would have to act immediately, because, after all, it is a 30-day provision. It would take a week or several days for the men to get back to work physically and for the planes to be rolling.

I say to the Senate, as one of the people who architected this compromise, that if the President signs the bill, he is ordering these men back to work as much as we. Let us have no nonsense about that. He is exercising his discretion and using his judgment. He knows very well that if he did not want to do that, he could send the bill back to us with a short message saying, "I am vetoing this measure." He knows there will not be a two-thirds vote to override the veto. There is no such feeling of unanimity in Congress about it.

If he does not wish to veto it, then he, as much as we, is ordering these men back to work. Let us understand that very clearly.

Mr. PASTORE. Mr. President, will the Senator yield for an observation?

Mr. JAVITS. I yield.

Mr. PASTORE. Mr. President, we are assuming here that the President of the United States has no concern over bringing people to the bedsides of their beloved sick and that sympathy abounds only in the Senate.

President Johnson has as much concern about that as does the Senator from Illinois. He is as much worried about the bodies we are talking about.

We are talking here about the President of the United States. We are suggesting that he is incompetent to do this, that he has no concern about it.

We all know President Johnson cares about the people and problems listed in the very dramatic, graphic, and pathetic presentation made by the Senator from Illinois. All of us are concerned with the sorrows of our fellow man. But transportation is not for tragedy alone. There are those who travel for pleasure and profit.

Let me say something about these people who are sitting down. Some of them are wearied by their wealth. Some of them, of course, have voted themselves some very fat pensions. They have themselves stocked up with a lot of stock options. Maybe they cannot get to Los Angeles. Maybe some actor cannot go to New York for a little performance and make $5,000 or $10,000. It takes all kinds of people to make up a planeload. And I am saying that the planes should fly—for everyone's cargo and for everyone's convenience. It is a matter of dramatics. It is a matter of devising the most sensible way.

What I am saying here is: Why in the name of commonsense do we exclude the President? Why?

Can someone answer that question?

Mr. MORSE. It has been answered over and over again.

Mr. JAVITS. It has been answered over and over again that we do not exclude him. We include him.

Mr. DIRKSEN. Mr. President, the Senator from Rhode Island knows very well that, not by the remotest illusion, have I ever intimated in the Senate that the President is lacking in the milk of human kindness.

I was pointing out the condition that is growing in the country. It will continue to grow unless there is a solution. But we seem here to be more concerned about who is going to exercise a little authority and who is going to exercise it first. That is the sole proposition that is involved here.

I think, as this is set up, there is a sharing of responsibility, and the President, when he appoints the Board, makes the first move. If he fails to appoint the Board, this whole matter falls. It falls to the ground, and that is the end of it. Therein lies the President's initial responsibility.

Mr. PASTORE. But in the meantime, are the strikers not mandated back at work?

Mr. DIRKSEN. Certainly.

Mr. PASTORE. The President cannot leave this whole thing in limbo. The Senator knows that.

Mr. DIRKSEN. We do not want him to.

Mr. PASTORE. Of course, we do not. If we pass the committee measure, the President of the United States can put them back to work tomorrow if he finds it in the national interest to do so.

It is only a question of how we should do it. But this idea that "I am all right, and the other fellow is all wrong," is something to which I cannot subscribe. The idea that one does not believe in helping the country, in helping the suffering, the poor, and the sick, if he does not do it this way, or that way, is something to which I do not subscribe.

We all have compassion. We all want the planes to fly.

I say that we should leave the judgment to the President of the United States. That is all I am saying.

Mr. DIRKSEN. What a discussion in futility.

Mr. PASTORE. It all depends on how one looks at it.

Mr. DIRKSEN. Somehow, there is no power in this tremendous Government to get this machinery started one way or the other. We have labored earnestly and long to bring in here a compromise that I think will work. Both sides share responsibility. Yet, we continue this futile argument.

The time has come to get on with the business of the Senate.

Mr. MORSE. Mr. President, the Senator from North Carolina [Mr. ERVIN] has pointed out in the RECORD that under article I, section 1, of the Constitution, all legislative power herein granted shall be vested in a Congress of the United States which shall consist of a Senate and House of Representatives.

I have talked from the very beginning of this debate about the legislative responsibility of Congress under the Constitution. This raises the issue as to whether we will meet our legislative responsibilities, and whether the President shall exercise whatever discretion he wants to exercise in relation thereto by signing or vetoing the legislation, as the Senator from New York said.

There is where the President comes in, and that is in keeping with our separation-of-powers doctrine. But what is proposed by those who want to pass the responsibility to the President of the United States is that we should not exercise our power under the Constitution to regulate interstate commerce, that we should somehow, some way, delegate that to the President of the United States.

We cannot do it. The Attorney General of the United States has told the President, "You can't do it." In my judgment, the Attorney General is quite right. That is why I think we ought to play it safe, so to speak, by passing a substitute resolution, the legality of which, in my judgment, is not subject to reasonable question.

So, Mr. President, I send to the desk a modification of the joint resolution already pending at the desk, and I offer this modification on behalf of myself, the Senator from Montana [Mr. MANSFIELD], the Senator from Illinois [Mr. DIRKSEN], the Senator from Alabama [Mr. HILL], the Senator from Florida [Mr. SMATHERS], the Senator from New York [Mr. JAVITS], the Senator from Colorado [Mr. DOMINICK], the Senator from Arizona [Mr. FANNIN], the Senator from California [Mr. MURPHY], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kansas [Mr. CARLSON], the Senator from Hawaii [Mr. FONG], the Senator from Wyoming [Mr. SIMPSON], the Senator from Colorado [Mr. ALLOTT], and the Senator from Ohio [Mr. LAUSCHE]. I shall be glad to add during the course of the debate the names of any other Senators who wish to have their names added.

Mr. YARBOROUGH. Mr. President, will the Senator yield for a clarification of the wording?

Mr. MORSE. I yield.

Mr. YARBOROUGH. Mr. President, I call the attention of the Senator to the fact that on line 8 of paragraph (a) the word "any" should be changed.

Mr. MORSE. That has already been corrected from "every" to "any."

Mr. YARBOROUGH. The distinguished Senator from New York in describing this a few moments ago used the word "certain," which is better than "any."

I suggest that, instead of the words "any section," we use the words "given section," "some section," or "certain section." That would make it more clear.

This question does not exist with relation to four of the major airlines in Texas. Delta, Braniff, and American are not struck. Only Eastern Air Lines is struck. Also, we have the Continental Air Lines to California. That airline is not struck.

I suggest that it would be more exact language if we were to change the word "any" to "given," "some," or "certain."

Mr. MORSE. Mr. President, I regret that I cannot accept the suggestion of the Senator from Texas. The language is a direct quote from the Railway Labor Act. It was included in the text so that we will have the exact language for the consideration of the court if there should be any court consideration. That is very important from the standpoint of legislative history.

Mr. YARBOROUGH. If the word "any" has court interpretation, I withdraw the recommendation. However, if it were new or initial legislation, I think any of the other three words would be more exact than the word "any."

Mr. MORSE. We have it this way because that is the language of the statute.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment in the nature of a substitute for Senate Joint Resolution 186, as amended.

Mr. MORSE. Mr. President, I ask unanimous consent that further reading of the proposed amendment to the joint resolution be dispensed with, unless Senators want to have it read. A copy is on the desk of each Senator. I do this in the interest of saving time. I ask that the modification be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The proposed amendment to the joint resolution (S.J. Res. 186), as amended, was ordered to be printed in the RECORD, as follows:

Strike out all after the enacting clause and insert the following :

"That (a) the Congress does hereby find and declare that a labor dispute between Eastern Airlines, Incorporated, National Airlines, Incorporated, Northwest Airlines, Incorporated, Trans World Airlines, Incorporated, and United Air Lines, Incorporated, and certain of their employees represented by the International Association of Machinists and Aerospace Workers, a labor organization, threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services; that such essential transportation services must be maintained; that all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute, including a report and recommendation of the Emergency Board No. 166, a proffer of arbitration and mediation with the parties by the National Mediation Board; further, that the efforts of the National Mediation Board and the Secretary of Labor to settle this dispute have been unsuccessful; and that it is desirable to achieve a settlement of this dispute in a manner which serves the public interest and economic stabilization and which preserves the free collective bargaining method.

"(b) The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation by such carriers.

"SEC. 2. For a period of thirty days effective from the date of enactment of this joint resolution the provisions of section 10, paragraph 3 of the Railway Labor Act shall apply and no change, except by agreement, shall be made by the parties to the controversy, or affiliates of said parties, in the conditions out of which the dispute arose. During such period of time none of the parties to the dispute, or affiliates of said parties, shall engage in or continue any strike or lockout.

"SEC. 3. (a) Within the period of time specified in section 2, the President is authorized, on the basis of the findings of Congress in section 1 of this joint resolution, to appoint a Special Airline Dispute Board which shall thereafter engage in mediatory action directed to promoting agreement among the parties. The provisions of section 2 shall continue to apply during a period of sixty days following the appointment of the Board. At the expiration of said sixty-day period, the President is authorized, on the basis of the findings of Congress in section 1 of this joint resolution, and if the Special Airline Dispute Board provided for in this section finds that the provisions of said section 1 continue to exist and recommends to the President that the sixty-day period be extended, to extend the provisions of section 10, paragraph 3 of the Railway Labor Act for an additional ninety days upon issuance by the President of an Executive order so providing. During the period or periods of time referred to in this section, none of the parties to the dispute, or affiliates of said parties, shall engage in or continue any strike or lockout.

"(b) Any agreement among the parties shall provide that the wage settlement provisions be retroactive to January 1, 1966.

"(c) Notwithstanding any other provision of law, the National Mediation Board is authorized and directed: (1) to compensate the members of the Board at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such service and facilities as may be necessary and appropriate in carrying out the purposes of this Joint Resolution.

"SEC. 4. If an agreement has not been reached thirty days prior to the expiration of the final period of time provided in section 3, the Board shall make a final report with recommendations to the President which shall be transmitted to the Congress by the President, along with a full and complete report of the dispute and his recommendations regarding terms or procedures which will assist in the final settlement of this dispute in the public interest and without further interruption of the continuity of transportation services by these carriers.

"SEC. 5. (a) Upon suit by any of the parties to the aforesaid dispute or by the Attorney General the several district courts of the United States shall have jurisdiction to restrain any violations of sections 2 and 3 of this joint resolution. Whenever it shall appear to the court before which any proceeding under this section may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpenas to that end may be served in any district by the marshal thereof.

"(b) In granting in injunction or relief under this section, the jurisdiction of such court sitting in equity shall not be limited by the Act entitled 'An Act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes,' approved March 23, 1932 (29 U.S.C. 101–115).

"SEC. 6. If, prior to the settlement of the dispute referred to in section 1, a dispute between any other air carrier and its employees shall in the judgment of the President, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service after all procedures of the Railway Labor Act have been exhausted and have not resulted in a settlement of such dispute, the President is authorized to issue an Executive order reciting such findings; whereupon the provisions of sections 2, 3, 4, 5, and 7 shall become applicable to such dispute and to the parties thereto as though originally included in such provisions: *Provided*, That any such agreement referred to in section 3 shall provide that the wage settlement provision shall be

retroactive to the expiration date of the prior collective bargaining agreement.

"SEC. 7. Nothing in this joint resolution shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this joint resolution be construed to make the quitting of his labor or service by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent.

"SEC. 8. The Secretary of Labor is hereby directed to commence immediately a complete study of the operations and adequacy of the emergency labor disputes provisions of the Railway Labor Act and the Labor-Management Relations Act. The Secretary is further instructed to report to the Congress by January 15, 1967, the findings of such study together with appropriate recommendations for such amendments to the Railway Labor Act and the Labor-Management Relations Act as will provide improved permanent procedures for the settlement of emergency labor disputes.

"SEC. 9. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution shall not be affected thereby."

Mr. MORSE. I shall be very brief in my explanation of the resolution which is on the desk of each Senator. I believe it is clearly stated, and it speaks for itself.

Mr. President, the substitute amendment I offered last night, which is dated August 3, 6 p.m., contains only one basic change from Senate Joint Resolution 186, reported by a majority of the committee—one basic change in principle. However, that difference was the major issue before the committee during its 5 days of executive consideration of this dispute. That issue is whether Congress, after making the same finding and declaration provided in section 1 of Senate Joint Resolution 186 and my substitute amendment of today, should reinstate a period of time in which there can be no strike or lockout under section 10 of the Railway Labor Act, as provided in paragraph 2 of my substitute; or, should the President be authorized, in his discretion, by Executive order, to require the strikers to return to work.

The issue is simple. However, it involves the question of jurisdiction of Congress under the interstate commerce clause and the general powers of the Executive under the Constitution, where the health and safety of the Nation are at stake. It involves article I, section 1, of the Constitution, as called to my attention this morning by the Senator from North Carolina [Mr. ERVIN], and that is that the legislative power is vested in Congress and not in the executive branch of Government.

Since Senate Joint Resolution 186 has been before the Senate, some Senators, including members of the Committee on Labor and Public Welfare, have taken the position that no legislation is needed to return these employees to work.

Mr. President, without reiterating all the evidence that is already in the RECORD in regard to the interruption of essential transportation in many sections of the country, I think it is crystal clear that Congress, in carrying out its legislative responsibility, should proceed to act under article I, section 1, of the Constitution.

The strike has become a strike not only against the carriers, but also against the public interest. We are dealing here with a regulated industry.

In 1963, Congress exercised its legislative prerogatives in the railroad dispute, and prevented a strike from even occurring—it was only threatened—stopped the men from striking, and imposed compulsory arbitration on them. I put all the important quotations from the decision into the RECORD yesterday. The Federal court not only held that that was within the power of Congress, but also pointed out that workers in a regulated industry are subject to such impositions being placed upon them when their strike or threatened strike involves such a danger to the public interest. That is the situation in this case.

It is easy to argue about a right to strike; but, as I said earlier this morning, it is not an absolute right, and it is a qualified right in a regulated industry when the public interest becomes involved.

I yield to no one in fighting for the rights of labor for collective bargaining and for obtaining fair settlements. But these workers, through their own negotiators, have a fair settlement in this dispute. These workers—in a regulated industry—insist that they ought to be allowed the right to continue to strike, in spite of the fair settlement that their own negotiating committee has negotiated.

As I said earlier, there is no wage issue left in this case. By the settlement that their negotiators obtained for them last Friday night, they got more in wages than they had asked for in the beginning; for their high figure was $4.04, and they have ended up with $4.08.

Mr. President, there has been talk about underpaid workers. This is a blue-ribbon industry, as far as its pay is concerned, in relation to other pay in this country. It is above the average. It is a well-paid industry, and it should be.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. MORSE. The skills of these workers call for that kind of pay. But these workers, in a regulated industry, with a great public investment in that industry, I say most respectfully, have no right to injure the public as they are injuring the public. They should not be allowed to use their naked economic power to force out of the carriers—and, not so indirectly, out of the taxpayers, in the long run—a settlement in this case that will be highly inflationary in nature. Their action can be used as the bellwether for additional inflationary settlements from the major industries that are waiting in the wings to have their disputes settled.

If ever there was a time in my 21 years in the Senate when the Senate had an obligation to say "No," by way of legislation, to a union that seeks to use its naked economic power to force that kind of settlement, that time is now.

I yield to the Senator from Massachusetts.

Mr. SALTONSTALL. Mr. President, I joined in sponsoring this substitute resolution offered by the distinguished Senator from Oregon. However, I wish to ask the Senator from Oregon to clarify one question which is on my mind.

I see nothing in the substitute resolution to inform us as to the wages which the airline employees will receive during the first 30 days when they return to work. I believe I know, but I should like the Senator to tell me.

Mr. MORSE. The retroactivity clause is in there and the workers would go back to work on the basis of the wages under the old agreement, unless the parties agree to a different wage.

May I say to the Senator from Massachusetts that I commented on this matter yesterday. I had expected that the announcement would be at my desk by now, but it is not—but I think it will be—that if the members go back to work, they will go back to work, by agreement with the carriers, on the basis of the wage settlement that was negotiated last Friday night.

I said in my speech yesterday that I thought this was only fair and reasonable, because we can take judicial notice of the fact that the final settlement will not be for less. I wish the Senator from Colorado [Mr. DOMINICK] were on the floor, for I think he might have some information that would buttress the statement I am now making. After the carriers have entered into that agreement, I think it only fair under the law, if it is passed and signed—as I hope it will be—that the men go back to work on the basis of the wage settlement included in their collective bargaining agreement of last Friday night. I know it can be argued that the union has rejected it, but we would not be very realistic if we thought they would ever get less.

Mr. SALTONSTALL. That was my understanding. However, it is not in the resolution. I thought it should be brought out for clarification.

Mr. MORSE. It is very important.

I have pointed out many times that we are not seeking to take advantage of this union in regard to wages. We have retroactivity back to January 1, 1966. The retroactivity clause was laid down by the Emergency Board. They are entitled to retroactivity. There is no question that they will get it.

Mr. SALTONSTALL. I thank the Senator.

Mr. MORSE. I have said, Mr. President, that the wage issue no longer is an issue in this case, and the other issues certainly do not justify the union continuing this strike against the public interest and thus doing the great damage I feel it is doing to the public interest.

I believe the Senator from Illinois [Mr. DIRKSEN] is right, and his argument is unanswerable. He has pointed out the damage that is being done to essential transportation—that is the language of the Railway Labor Act—by a continuation of this strike.

It is on the basis of that legislative power and duty that the senior Senator from Oregon urges the passage of this substitute.

With regard to the major issue before the Senate, which is clearly presented by the substitute amendment we will vote on today, sections 2 and 3 of the substitute amendment set forth the procedure for returning these employees to work. Section 2 provides that for a period of 30 days from the date of enactment, the said employees must return and continue to work. During this period of time, as provided under section 10 of the Railway Labor Act, no change except by agreement shall be made by the parties to the dispute in the conditions out of which the dispute arose.

That bears on the question of the Senator from Massachusetts [Mr. SALTONSTALL] in regard to the terms and conditions under which they go back to work. They go back to work under the old agreement subject to whatever modification the parties themselves are willing to agree to. They have already agreed, although it was rejected by the members, to many modifications in the old agreement.

Section 3 provides that within said 30-day period, the President is authorized to appoint a Special Airline Dispute Board to engage in mediatory action. For 60 days from the date the Board is appointed, the provisions of section 2 continue.

I wish to stress when the 60 days start running. Suppose the President does not appoint a Board for 10 days the 60 days will run from the 10th day. Whatever the date is that he appoints the Board, then the 60-day period starts to run.

Section 3 provides that within said 30-day period, the President is authorized to appoint a Special Airline Dispute Board to engage in mediatory action. For 60 days from the date the Board is appointed, the provisions of section 2 continue; neither the carrier nor the union can engage in a strike or lockout. As provided under the Railway Labor Act, the appointment of the Board by the President results in the no-strike, no-lockout period of time.

Section 3 further provides that at the expiration of said 60-day period, the President is authorized, on the basis of the findings of Congress in section 1, and if the Special Airline Dispute Board recommends that the said 60-day period be extended, to extend the no-strike no-lockout period of time for an additional 90 days by Executive order of the President.

Discretion? We are giving the President great discretion in this matter. But he has to act on the basis of congressional authority to regulate commerce and all of those actions thereafter will be ministerial. Congress has sent the men back to work and delegates only ministerial functions to the President thereafter. The President joins in sending them back to work when he signs the resolution.

The provisions of sections 2 and 3 represent a compromise between the position of those who favor returning the employees to work solely on the basis of a Presidential order—which, as I have said, will be subject to great legal attack, and my position which has been that the Congress is making the finding and declaration which should require the employees to return to work automatically.

The initial 30-day period in my substitute amendment returns the employees to work automatically for a 30-day period on the finding and declaration of the Congress contained in section 1. Thereafter, the 60-day period is triggered by the President appointing a Special Airline Dispute Board following the procedures of the Railway Labor Act.

Finally, a 90-day period is triggered by the President on the basis of the findings of Congress and the recommendations of the Board extending the period of time for 90 days by Executive order.

The remainder of the resolution is essentially the same as the resolution reported by the committee. Section 3(b) provides that the wage settlement provisions be retroactive to January 1, 1966, when any agreement is reached by the parties.

Section 4 provides that the Board shall make a final report with recommendations to the President, which shall be transmitted to the Congress by the President, along with his report and recommendations.

Section 5 provides for enforcement of sections 2 and 3 by the Attorney General.

Section 6 provides that if prior to the settlement of this dispute, a dispute between other air carriers and their employees may be made subject to the Executive order of the President, as provided in section 3. The substitute amendment contains new sections 7 and 8.

The Senator from New York [Mr. JAVITS] talked to me about this. He was the first person to make this recommendation to me and he deserves the credit for it. I saw immediately that we should follow the suggestion. Again, it is language taken from the Railway Labor Act. It removes the doubt as to whether there is going to be any involuntary servitude, insofar as individuals are concerned.

Section 7 protects the right of the individual employee to voluntarily terminate his employment without being subject to the penalties of this joint resolution. Section 7 is the same language as contained in the Railway Labor Act, section 9, paragraph 8. It is consistent with the purposes of the Railway Labor Act and this joint resolution. The guarantees contained in section 7 are already available under the due process clause of the fifth amendment. Similar involuntary servitude provisions are contained in the 14th amendment to the Constitution.

Let me say that I do not know what the concern is about sending these men back to work through the court action provided in this measure. That is nothing new, Mr. President.

What I do not like is what I think is an implied reflection on the members of this union, as I said on the floor of the Senate yesterday. The record of this union is a record that recognizes we have to maintain a system of government by law. Who are the union men? They are our neighbors; they are our associates; they go to the same churches; they send their children to the same schools; they are fellow Americans. I wish to disassociate myself from any implication that once this measure becomes law and the law works its course in accordance with the terms of the resolution, that this union membership will defy government by law.

I say in behalf of the international president of this union that he left no room for doubt in statements he made when he said, in effect, that he does not think the men will go back to work unless legislation is passed. Other spokesmen for the union in other parts of the country have taken the position, with some irritation and feeling, that they were not going back to work unless ordered back to work under the terms of the law.

I do not think that there is any problem about these men carrying out their legal responsibilities. I join with the Senator from New York [Mr. JAVITS], and I think he is right in proposing this language from the act that leaves no room for doubt about whether or not an individual worker, acting in his individual capacity, is going to be compelled to go back to work.

It is true that if a worker does not want to go back to work, he may suffer some consequences of his own making, but not under the operation of the statute.

But whether or not he goes back to work and keeps his job if he does not go back to work—whether he is not going to lose a great many benefits that will flow to him under the agreement, including health, welfare, and pension benefits, is a question that is not involved in the operation of the statute.

The important thing that the Senator from New York [Mr. JAVITS] is making clear here is that this law is not going to have an effect on the individual which could be interpreted as involuntary servitude.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from New York for further comment.

Mr. JAVITS. Mr. President, I appreciate what the Senator is saying. I would like to make this substantive point.

When the men go back to work, and I hope they will be going back to work, they have to get wages, hours, and conditions of work, and so forth. Is it the intention of the drafter of this substitute, the Senator from Oregon, that where the Airline Dispute Board is referred to in section 3, and the statement is made "a special Airline Dispute Board which shall thereafter engage in mediatory action directed to promoting agreement among the parties," that that will include mediatory action while this law that we are talking about remains operative as to interim wages, hours, and conditions of work under which the employee will be working?

For example, we have heard it said that the workers will receive the salary and the compensation specified in the settlement that they turned down rather than the old wage rate. It seems to me that we should——

Mr. MORSE. That is the agreement between the parties.

Mr. JAVITS. The Senator is correct. Of course, the provisions of the bill would allow an agreement between the parties, and I should like to make that clear. In section 2 we find that there will be no change in the previous conditions, that is, in the contract that has expired, except by agreement. That is contained in line 4, section 2 of the substitute. But is it not also a fact that we will expect a Special Airline Dispute Board to mediate as between management and labor while they are at work under this resolution?

Mr. MORSE. That is part of their responsibility.

Mr. JAVITS. I thank my colleague.

May I ask the Senator if he would have any objection to this: The Senator from New Hampshire [Mr. COTTON] is desirous of speaking at an hour which would be suitable to him, and I should like to ask unanimous consent for the Senator to have the floor at 2 o'clock p.m., or as soon thereafter as anyone who has the floor at that time has finished speaking.

Mr. MORSE. I have no objection.

Mr. JAVITS. Mr. President, I ask unanimous consent that the Senator from New Hampshire [Mr. COTTON] may be recognized at 2 o'clock p.m. today, or as soon thereafter as the Senator who has the floor at that time has surrendered the floor.

The PRESIDING OFFICER (Mr. MONTOYA in the chair). Without objection, it is to ordered.

Mr. MORSE. Mr. President, in the interest of saving time, although the record has been made, I want to bring it together in one point.

Mr. President, as long ago as July 27, Secretary of Labor Wirtz testified that an interruption in essential transportation service had occurred. This, of course, is a finding the executive branch makes when it appoints an emergency board under the Railway Labor Act, and invokes a 60-day, no-strike period. It must be determined at that time an interruption in essential transportation to a section of the country will ensue if the work stoppage proceeds.

To quote from the summary of the Secretary's testimony on July 27:

> The transportation services involved here are clearly "essential" in any ordinary sense of the term.
>
> The "national interest" is plainly involved—but hardly in the usual sense of "national health, safety and defense." Yet if there should be one accident on an airline during this strike period—with the overload it places on the lines that are operating—the recriminations would be levelled without regard to any proven facts of relationship or non-relationship to the strike. This possibility haunts this testimony—and I assume no responsibility regarding it.
>
> Neither do I mean by what are necessarily broad generalizations to disregard the hundreds of thousands of small and individual inconveniences a public service stoppage creates. We are entitled to measure the national interest to some extent by what happens to each of us.
>
> Finally, and more significantly, I have tried to give the Committee today's picture. Tomorrow's will be different, and worse by at least a little; and more so the next day. If the question is whether the public deserves an end to this situation, the answer is clearly that it does.
>
> We are confronted with a serious, substantial, adverse impact on the national interest, an impact which, however, has not yet brought the country to an emergency stage. However, any prolongation of the current strike, by increasing the strain on existing services, and by multiplying the current delays and inconveniences may well bring the nation to that crisis, emergency stage.

Yes, Senators can point, as Secretary Wirtz did, to the fact that by greatly overloading their facilities, some other airlines have picked up part of the loss of service caused by the strike. But are Senators prepared to answer to the public outrage that Secretary Wirtz also mentioned, if an accident occurs on these overstrained airlines that are operating under abnormal, emergency conditions?

I submit to Senators that we are not here, holding the national authority over interstate commerce in our hands, to wait for disaster, for dramatic loss of life, for catastrophe to befall the public before we act. We are supposed to be here to prevent national emergency conditions from arising.

That is what we did in 1963. We did not wait for the disaster to be visited. We acted in anticipation of it.

And I say to Senators that every day this strike continues, the burden upon the airlines continuing to operate under these conditions increases the chances of air accident.

Of course, Senators may point to statistics and say that at least in part the loss of service from the five lines has been made good by others. But they ignore the dangers of such emergency operations over a prolonged period of time.

Just so can Senators point to the military picture, and say that the National Guard and the U.S. Air Force are seeing to it that no emergency is allowed to develop. But they must at the same time ignore the cost to the taxpayers of such added service by the Air Force and the National Guard, and the unknown cost to the public in the diversion of their planes, men, and services from the military activities they are designed to perform.

Secretary Wirtz told us that the possibility of air accident on the overstrained airlines still operating haunted his testimony on July 27. That was his answer to the issue of whether this strike affected the national safety, health, and welfare. Many can say that it does not affect it yet because nothing disastrous has occurred. Are we waiting for it to happen before we act?

Are we waiting for the first plane to crash so we can be assured then that there is a real emergency in terms of national safety and health? When that happens, are we then going to continue sitting here blaming the President for not having acted first?

It is our duty to regulate commerce, not his, and that will be a burden we will not succeed in shifting.

WILL FAILURE TO ACT GET RID OF LABOR DISPUTES?

I have also been a little bemused by the contentions made here on the floor that we should certainly not interfere with the collective bargaining process by enacting legislation to protect the public interest. Senators seem to be laboring under the great illusion that if we merely refrain from acting on this one problem, the issue will not come before us again.

I submit that if we refrain from acting, this will only be the beginning. Far from having every labor dispute dumped in our laps if we do act, we will have far more labor disputes carried to the point of becoming national issues if we do not act.

Wage contract after wage contract is being negotiated. Union after union has its eyes glued on Congress to see what we will do when the Nation is confronted with a stoppage of essential transportation. This dispute is the bellwether one for many unions, some of them also of critical importance to regulated industries.

Telephone service, for example; also the ground transportation workers around airports, including National Airport.

Gentlemen, if Congress fails to act in this case, it will be only a matter of weeks before there will be another, and another, work stoppage in a vital industry. If you think you can postpone facing this issue until next year, or at least until after the November election, I think you are mistaken. I do not think we will even get to the end of the current session without having another dispute on our hands, brought about at least in some degree by the thought on the part of the workers that if Congress did not act in a clear-cut case like the Machinists' strike, anything goes.

Certainly we should have general, permanent legislation. I have introduced it in every Congress since 1947. I have not heard Senators flock around to get action on it. I have not heard Senators plead and appeal for general emergency dispute legislation until they are faced with a specific dispute such as this, whereupon they promptly complain that disputes should not be dealt with one at a time but only on a general basis.

The trouble with that argument is that it only means not dealing at all with emergency disputes. When there is no urgency, Senators are not interested in general legislation. When there is urgency, Senators say we need general and not specific legislation.

Mr. President, I have also gathered information in regard to the relative status of workers in comparison to workers elsewhere in the country. This point keeps constantly popping up in debate, seeking to give the impression that a settlement is sought to be imposed upon the workers which is somehow unfair to them.

The Emergency Board raised the rate to $4 per hour. We are talking about the pace-setting rate or the key rate, which is what is referred to in discussing wage settlements in collective bargaining agreements.

In this case, for the mechanics, the present rate is $3.52. We got it up to $4.

They only asked for $4.04. The $4 was for the period extending over 42 months. They asked for 36 months. They asked for $4.04 for 36 months. The other night, in the agreement, they got $4.08 for 36 months which eliminates the wage issue.

I want to put some tables in the RECORD. One table shows the median hourly earnings of automotive mechanics, 1964–65, to which reference has been made by some Senators in debate, giving the impression that somehow the machinists are not doing so well as the automotive mechanics.

That is not the case.

There is a Greyhound settlement out on the west coast that goes over $4. We can always find an exceptional settlement, but they do not have the same continuity of employment, nor the benefits. But yet, we are here dealing with a regulated industry which has cost the expenditure of hundreds of millions of dollars of the taxpayers' money in the building of airports, and the subsidization of the airlines during their lean years in order to develop their business. There are work opportunities in the sense that they are guaranteed this large number of union members in the industry. When we look at the percentage points, a large bulk of the workers never have to worry about job opportunities being made available to them, whereas in many other industries there is a great turnover and large layoffs. Contrast the construction or the automobile industry—in the latter we know that plants shut down periodically for some period of time.

Mr. President, let me quickly say, in regard to the median hourly earnings for automotive mechanics—look at how the figures run:

All metropolitan areas, $3.21 per hour. Northeastern, $3.82; South, $2.94; North Central, $3.29; West, $3.39; Pittsburgh, Pa., $3.31; Charleston, W. Va., $3.13; Chicago, $3.51; San Francisco, $3.71.

Then we come to automobile repair shops, and we see the same statistical information showing that the employees are considerably below the employees we are talking about today. This is statistical material which the Bureau of Labor Statistics made available to me, dealing with this issue. I mention it because I know that irrelevant arguments can sometimes seem to influence votes on the floor of the Senate. I have heard some Senators argue as though the machinists were not getting a reasonable settlement, when they are in the upper group in this country in regard to wages and their benefits.

I ask unanimous consent to have these tables printed in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Median hourly earnings of automotive mechanics, 1964–65

All metropolitan areas	$3.21
Northeast	3.12
South	2.94
North Central	3.29
West	3.39
Highest metropolitan area:	
Pittsburgh, Pa	3.31
Charleston, W. Va	3.13
Chicago, Ill	3.51
San Francisco, Calif	3.71

AUTO REPAIR SHOPS, AUGUST–OCTOBER 1964

Auto mechanics, class A—Highest metropolitan area:	
Northeast, New York	3.58
South, Houston, Tex	3.53
North Central, Cleveland, Ohio	3.78
West, Los Angeles, Calif	3.79

Attached are recent wage determinations issued under the McNamara-O'Hara Service Contract Act.

Those selected show rates for aircraft mechanics and in some cases aircraft and auto mechanics.

NOTE.—Laredo Air Force Base rate $2.86 minimum for both aircraft mechanic and automotive mechanic.

Airplane mechanics: "Mechanics employed by the scheduled domestic airlines earned, on the average, $580 a month in late 1962."—Employment Outlook in Civil Aviation

REGISTER OF WAGE DETERMINATIONS AND FRINGE BENEFITS UNDER THE MCNAMARA-O'HARA SERVICE CONTRACT ACT OF 1965

Laredo Air Force Base, Webb County, Tex.

[Wage determination No. 66-4. Date: Feb. 3, 1966]

Title and class of service employees	Minimum monetary wage (per hour)	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
Boiler fireman	$2.38				
Carpenter, maintenance	2.70				
Electrician, maintenance	2.86				
Forklift operator	2.06				
Helper (trades)	2.06				
Janitor, heavy	1.75				
Janitor, light	1.65				
Laborer	1.86				
Machine operator	2.54				
Machinist (single machine)	2.86				
Machinist (more than 1 machine)	3.01				
Mechanic, aircraft	2.86				
Mechanic, automotive	2.86				
Packer, shipping	1.96				
Painter, maintenance	2.70				
Pipefitter	2.86				
Plumber, maintenance	2.70				
Sheetmetal worker	2.86				
Truckdriver, heavy (over 4 tons)	2.38				
Truckdriver, medium (1½ to 4 tons)	2.22				
Warehouseman	1.96				
Welder	2.86				

Fort Rucker, Ala.

PART I—CONTRACT FOR MAINTAINING AIRCRAFT

[Wage determination No. 66-64. Date: May 4, 1966]

Class of service employee	Minimum hourly wage [1]		Fringe benefits payments			
	Minimum	Maximum	Health and welfare	Vacation	Holiday	Other
CLERICAL						
1. Accounting clerk	$1.88	$2.68				
2. Aircraft records clerk	1.48	2.28				
3. Aircraft records clerk, senior	1.88	2.68				
4. Aircraft records specialist	2.23	2.98				
5. Clerk-stenographer	1.48	2.28				

Footnotes at end of table.

Fort Rucker, Ala.—Continued

[Wage determination No. 66-64. Date: May 4, 1966]

Class of service employee	Minimum hourly wage [1]		Fringe benefits payments			
	Minimum	Maximum	Health and welfare	Vacation	Holiday	Other
CLERICAL						
6. EIR technician	$2.23	$2.98				
7. Maintenance clerk	1.88	2.68				
8. Motor pool maintenance clerk	1.88	2.68				
9. Motor pool records clerk	1.43	2.08				
10. Production control clerk	1.48	2.28				
11. Production control clerk, senior	1.88	2.68				
12. Procurement clerk	2.23	2.98				
13. Research clerk	2.13	2.78				
14. Supply clerk	1.43	2.08				
15. Supply clerk, senior	1.88	2.68				
16. Technical publications technician	2.23	2.98				
17. Technician, aircraft scheduler	2.23	2.98				
18. Technician, weight and balance	2.23	2.98				
19. Technician, X-ray	2.58	3.28				
20. Transcriber	1.43	2.08				
PRODUCTION AND MAINTENANCE						
1. Aircraft cleaner	1.60	2.46				
2. Aircraft inspector, fixed wing	2.57	3.28				
3. Aircraft inspector, rotary wing	2.57	3.28				
4. Aircraft painter	1.70	2.58				
5. Aircraft welder	2.02	2.68				
6. Aircraft welder, master	2.42	3.08				
7. Automotive serviceman	1.60	2.26				
8. Auxiliary ground and hangar equipment mechanic	1.70	2.58				
9. Avionics technician	2.57	3.28				
10. Battery mechanic	1.70	2.58				
11. Carburetor mechanic	2.02	2.88				
12. Fabric and upholstery mechanic	1.70	2.58				
13. Fixed wing mechanic	2.02	2.58				
14. Fixed wing mechanic, master	2.32	2.88				
15. General storekeeper	2.02	2.68				
16. Helper, general	1.40	2.01				
17. Inspector, supply	2.32	2.88				
18. Janitor	1.40	2.01				
19. Machinist	2.02	3.08				
20. Parts expediter	1.60	2.26				
21. Plant utility repairman	2.02	2.68				
22. Production stock expediter	1.70	2.58				
23. Propeller mechanic	2.02	2.88				
24. Radio and electronic mechanic	2.02	3.08				
25. Rotary wing mechanic	2.02	2.58				
26. Rotary wing mechanic, master	2.32	2.88				
27. Sandblast operator	1.60	2.26				
28. Sheetmetal mechanic	2.02	2.88				
29. Storekeeper	2.02	2.58				
30. Utility man	1.60	2.26				

Fort Rucker, Ala.—Continued

[Wage determination No. 66-64. Date: May 4, 1966]

Class of service employee	Minimum hourly wage [1]		Fringe benefits payments			
	Minimum	Maximum	Health and welfare	Vacation	Holiday	Other
TEST BOARD						
1. Aircraft accessory mechanic	$2.02	$2.88				
2. Janitor	1.40	2.01				
3. Machinist	2.02	3.08				
4. Radio and electronic mechanic	2.02	2.88				
5. Sheetmetal mechanic	2.02	2.88				
6. Storekeeper	2.02	2.58				
TEST PILOTS	Per month [2]					
1. Rotary wing test pilot	$700.00	$950.00				
2. Fixed wing test pilot	700.00	950.00				
Applies to all classes of service employees			[3]	[4]	[5]	[6]

[1] Clerical, production and maintenance, and test board employees are to receive step increases of 10 cents per hour after each 16 weeks of employment until the maximum rate for the grade is reached.

[2] Test pilots are to receive step increases of $50 per month after each 6 months of employment until the maximum salary range has been reached; except that new employees are to receive the first $50 per month increase after 3 months of employment and each 6 months thereafter until the maximum salary range has been reached.

[3] Sick pay: Four hours per month from date of hire credited after 60 days of employment. Group life, accidental death and dismemberment, and accident and health insurance plan: To be provided at employer's expense, and at the benefit level currently provided incumbent employees.

[4] Vacation: 6.6667 hours per month for employees with less than 10 years of service with an employer; 10 hours per month for employees with 10 years but less than 20 years of service with an employer; and 13.3 hours per month for employees with 20 or more years of service with an employer.

[5] Holidays: 9 paid holidays per year (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the day before Christmas, Christmas Day, Washington's Birthday, Veteran's Day).

[6] Bonus: Rotary wing troubleshooters to receive $20 per week in lieu of all other flight pay while in pay status. Other employees to receive flight pay of $3 per hour for propeller driven aircraft and $5 per hour for jet propelled aircraft. $0.20 per hour to be received by each employee who possesses an FAA "A" or "P" licenses and $0.35 per hour by employees possessing both "A" and "P" licenses.

PART II—CONTRACT FOR ROTARY WING INSTRUMENT FLIGHT TRAINING

Class of service employee	Minimum hourly wage (per month)[1]		Fringe benefits payments			
	Minimum	Maximum	Health and welfare	Vacation	Holiday	Other
1. Academic instructor	$400	$525				
2. Academic instructor, senior	550	550				
3. Flight instructor	475	700				
4. Link instructor	400	450				
5. Link maintenance	400	450				
6. Meteorologist	450	500				
7. P. T. instructor	400	515				
8. Tower operator	400	450	[2]	[3]	[4]	

[1] All employees, other than flight instructors, are to receive merit step increases of 5 percent per month every 6 months until the maximum of the salary range has been reached. Flight instructors are to receive merit step increases of $25 per month every 6 months until they reach $650 per month and may receive $25 merit increase each 12 months thereafter until the maximum of the salary range is reached.

[2] Sick leave: 1 day per month from date of hire credited after 60 days of employment.

[3] Vacation: 5/6 of the working day per month of service, but not to exceed a maximum of 2 weeks per year.

[4] Holidays: 8 paid holidays per year (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, Washington's Birthday, Veterans Day).

Craig Air Force Base, Ala.

[Wage determination No.: 66-14. Date: Mar. 16, 1966]

Class of service employee	Minimum hourly wage	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
AIRCRAFT REFUELING					
1. Refueler	$1.89				
2. Refueling manager	3.18				
3. Refueling operator	2.48				
4. Refueling supervisor	3.01				

Craig Air Force Base, Ala.—Continued

[Wage determination No.: 66-14. Date: Mar. 16, 1966]

Class of service employee	Minimum hourly wage	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
CONTRACTOR SUPPLY OPERATION					
5. Parts expediter	$2.31				
6. Purchasing agent	2.23				
7. Stockroom attendant	2.14				
8. Supervisor, general supply	2.49				
9. Supervisor, laundry and dry cleaning	1.99				
CUSTODIAL SERVICES					
10. Foreman	2.48				
11. Working leader	1.71				
DINING HALL OPERATION					
12. Baker	2.48				
13. Busboy	1.55				
14. Cashier	1.69				
15. Cook	2.48				
16. Cook's helper	1.97				
17. Dishwasher	1.55				
18. Manager	3.01				
19. Pot and pan washer	1.55				
20. Salad man	1.78				
21. Serving line attendant	1.66				
22. Shift leader	2.73				
23. Storeroom clerk	2.14				
GENERAL					
24. Administrative clerk	1.99				
25. Bookkeeper	2.49				
26. Clerk-typist	1.99				
27. Desk clerk	1.99				
28. Janitor	1.55				
29. Laborer, general	1.55				
30. Night watchman	1.83				
31. Resident manager	4.31				
32. Secretary	2.23				
33. Supply clerk	1.99				
34. Truck driver (up to 2½ tons)	2.14				
35. Typist	1.99				
GROUNDS MAINTENANCE					
36. Foreman, general	3.51				
37. Greenskeeper (golf course supervisor)	2.81				
38. Working leader	2.67				
HOUSING ADMINISTRATION					
39. Housing manager	2.49				
40. Supply man and driver	2.14				
41. Supply supervisor	2.23				
42. Warehouseman	2.14				
INSECT AND RODENT CONTROL					
43. Laborer (skilled in pest control)	1.97				
44. Working leader (certified pest controller)	2.64				
LIGHT PLANE (T-41). TRAINING					
45. Aircraft maintenance supervisor	3.24				
46. Aircraft mechanic	2.81				
47. Flight supervisor	3.93				
48. Instructor pilot	3.60				
MOTOR POOL OPERATION					
49. Bus operator	2.14				
50. Chief dispatcher	2.23				
51. Driver school instructor	2.49				
52. Heavy equipment operator	2.48				
53. Light equipment operator	2.14				
54. Light vehicle operator	1.89				
55. Motor vehicle transportation supervisor	3.01				
56. Vehicle dispatcher	1.99				
MOTOR VEHICLE MAINTENANCE					
57. Automotive body man	2.64				
58. Automotive body shop helper	1.97				
59. Automotive painter	2.64				
60. Battery shop attendant	1.97				
61. Construction and heavy equipment mechanic	2.81				
62. Filling station attendant	1.89				
63. General purpose mechanic	2.81				
64. Lubrication man	1.97				
65. Maintenance controller	2.23				
66. Maintenance scheduler	3.01				
67. Maintenance superintendent	3.60				
68. Maintenance supervisor	3.69				

Craig Air Force Base, Ala.—Continued

[Wage determination No. 66-14. Date: Mar. 16, 1966]

Class of service employee	Minimum hourly wage	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
MOTOR VEHICLE MAINTENANCE					
69. Motor vehicle inspector	$2.95				
70. Service station manager	2.14				
71. Service station mechanic and inspector	2.64				
72. Special purpose mechanic	2.95				
73. Tire repairman	1.97				
PAVEMENT AND RAILROAD MAINTENANCE					
74. Working leader	3.34				
WATERPLANT OPERATION AND MAINTENANCE					
75. Waterplant (well) operator, skilled	2.64				

Laredo Air Force Base, Tex.

[Wage determination No.: 66-23. Date: Mar. 26, 1966]

Class of service employee	Minimum hourly wage	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
1. Aircraft maintenance supervisor	$3.42				
2. Aircraft mechanic	2.86				
3. Flight supervisor	3.93				
4. Instructor pilot	3.60				
5. Janitor	1.75				
6. Night watchman	1.83				
7. Refueler	2.22				
8. Resident manager	4.31				
9. Secretary	2.23				
10. Supply clerk	1.99				

Webb Air Force Base, Tex.

[Wage determination No. 66-22. Date: Mar. 25, 1966]

Class of service employee	Minimum hourly wage	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
1. Aircraft maintenance supervisor	$3.78				
2. Aircraft mechanic	3.12				
3. Flight supervisor	3.93				
4. Instructor pilot	3.60				
5. Janitor	2.34				
6. Light vehicle operator	2.47				
7. Night watchman	1.83				
8. Resident manager	4.31				
9. Secretary	2.23				
10. Supply clerk	1.99				

Moody Air Force Base, Ga.

[Wage determination No. 66-14. Date: Mar. 16, 1966]

Class of service employee	Minimum hourly wage	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
1. Aircraft maintenance supervisor	$3.37				
2. Aircraft mechanic	2.90				
3. Flight supervisor	3.93				
4. Instructor pilot	3.60				
5. Night watchman	2.02				
6. Resident manager	4.31				
7. Secretary	2.23				

Reese Air Force Base, Tex.

[Wage determination No. 66-25. Date: Mar. 26, 1966]

Class of service employee	Minimum hourly wage	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
1. Aircraft maintenance supervisor	$3.47				
2. Aircraft mechanic	2.88				
3. Flight supervisor	3.93				
4. Instructor pilot	3.60				
5. Janitor	1.97				
6. Night watchman	1.83				
7. Refuelers	2.36				
8. Resident manager	4.31				
9. Secretary	1.99				
10. Supply clerk	1.99				

Laughlin Air Force Base, Tex.

[Wage determination No. 66-26. Date Mar. 26, 1966]

Class of service employee	Minimum hourly wage	Fringe benefits payments			
		Health and welfare	Vacation	Holiday	Other
1. Aircraft maintenance supervisor	$3.42				
2. Aircraft mechanic	2.86				
3. Flight supervisor	3.93				
4. Instructor pilot	3.60				
5. Janitor	1.75				
6. Night watchman	1.83				
7. Refueler	2.22				
8. Resident manager	4.31				
9. Secretary	2.23				
10. Supply clerk	1.99				

SPECIAL COMPARISON OF AIRLINE WAGE RATES TO WAGES IN COMPARABLE INDUSTRIES AND OCCUPATIONS

During a public hearing before the Committee on Labor and Public Welfare of the United States Senate on July 27, 1966, suggestions were made by a spokesman for the IAM that wages currently being paid to the employees they represent are inequitably low when compared to certain other industries and contract settlements. Particular reference was made to comparable wages in bus line repair, auto and truck repair, defense industries, etc. Actually, these allegations amount to an attempt at relitigating the questions of fact which had been fully heard and decided by Presidential Emergency Board No. 166. A discussion of selected rates in this context is inappropriate. The following comments are offered, however, to assist interested persons in analyzing the accuracy and credibility of the allegations made in the Hearing:

I. TYPICAL GREYHOUND BUS RATES

There is a wide variation between the rates of pay for Greyhound bus mechanics around the country and for such mechanics in certain west coast locations. The IAM cited a recent IAM-Greyhound settlement which gave a basic hourly wage to west coast bus repair mechanics in excess of $4.00 an hour. That is true. The reference to this figure overlooks, however, the fact that the pay for bus repair mechanics working for this and related companies elsewhere in the United States is as follows:

Miami	$3.32
Chicago	3.38
Washington-Baltimore	3.39
New York City	3.32
Boston	3.32
Atlanta	$3.32
Pittsburgh	3.32
Minneapolis-St. Paul	3.38

To the best of our knowledge, the foregoing rates include cost of living factors where such factors are an element in the contract. When comparing the current $3.52 mechanics rate, which would be subject to an immediate 18¢ increase to $3.70 according to the PEB No. 166 recommendation, it should be evident that the recommendation continues to keep airline mechanics far ahead of the large majority of their colleagues working on bus repair around the nation. In this brief analysis, it is also impossible to completely tell how the bus companies place a limited number of employees in the maximum rates which are described above. Early reports indicate a tendency to restrict the number of mechanics occupying the maximum rate and

to expand the number of lesser skilled employees in lower labor grades working on bus repair.

II. TYPICAL TRUCK REPAIR RATES

The Industrial Relations Department of the American Trucking Association published on June 1, 1966 a compilation of journeymen mechanics hourly wage rates in effect in selected cities throughout the United States. The rates were drawn from trucking labor agreements, primarily negotiated with the IAM. A copy of that compilation is attached. It should be evident from a comparison of the $3.70 airlines mechanics rate (the result of $3.52 plus 18¢ per PEB recommendation) with the typical rates in effect in 1966 that the airline mechanics are far ahead of the majority of their colleagues working in truck repair around the United States. Again, a small number of west coast locations enjoy a higher wage. Significantly, the PEB recommendation for wage increases of 18¢, 15¢ and 15¢ over the life of the agreement will bring the airline mechanics rates very close to even these, most extreme west coast rates. On the whole, however, the airlines mechanics rate is far ahead and will continue to be far ahead of the majority of truck *repair mechanics* rates.

III. TYPICAL AEROSPACE WAGE RATES

Douglas Aircraft Company, Inc. and IAM District Lodge 1578 are under a contract from August 2, 1965 through July 15, 1968 for aerospace work by my machinists in Santa Monica, California. Wages paid to some representative job categories as of July 18, 1966 are set forth below. These figures show not only the basic wage rate but also a cost of living factor which is being included in the rate beginning in August 1966:

Building and equipment mechanic A	$3.57
Carpenter maintenance A	3.63
Machinists maintenance	3.89
Mechanic, auto A	3.49
Mechanic maintenance A	3.63
Sheetmetal workers, maintenance A	$3.57
Storekeeper	3.07

The airlines employ so called "mechanics" to perform comparable functions for these job titles (with the exception of storekeeper whom the airlines entitle a "store's clerk"). Comparing the $3.70 airline mechanics rate for all of these jobs categories to the rates stated above, it should be evident that the airlines are ahead of the wages paid in most of the representative mechanical categories drawn from the Douglas-Lodge 1578 agreement. Under the PEB recommendation, a typical airline storekeeper would be paid $3.07, the same wage being paid at Douglas for the same function. Obviously, a more detailed analysis is necessary if this subject is going to be seriously pursued. A brief study shows, however, that there is no pattern of inequity when comparing airlines mechanics rates to a typical aerospace company under contract with the IAM in a west coast location. We have not even discussed the lengthy progression steps through which the Douglas-Lodge 1958 contract compels workers to move as they go toward the top of the rate. Again, just as in the bus line situation, there is a great tendency to subdivide categories into lesser skilled levels and lesser pay rates.

IV. UPDATING OF CARRIER EXHIBIT NO. 27 BEFORE PRESIDENTIAL EMERGENCY BOARD NO. 166 COMPARING GROSS HOURLY EARNINGS OF A TYPICAL AIRLINE EMPLOYEE WITH THOSE OF TYPICAL EMPLOYEES IN AMERICAN INDUSTRY

Before the Presidential Emergency Board #166, the carriers introduced Exhibit #27, copy of which is attached. When all of the published categories and rate levels in this airline bargaining unit are considered, from messenger to technician, including mechanics, and when overtime and various forms of premium pay are included in the computation, the weighted average gross hourly wage for a typical employee in this airline bargaining unit turned out to be $3.42 per hour (this is a statistical figure and there is not necessarily any employee receiving this particular sum). Exhibit #27 showed that when this airline figure was compared to an identically computed figure in other American industries, the airline employees ranked first and have ranked first for many years. We have reviewed the U.S. Department of Labor's booklet "Employment and Earnings and Monthly Report on the Labor Force" Volume 12 No. 12 for June 1966, to update the earnings rankings shown in Exhibit #27.

A copy of that United States Department of Labor release is enclosed. Based on the data available in May 1966, the airline employees ranking in first place continues to be true. We refer interested parties to data on pages 60, 62, 64, 66 and 68 of the most recent BLS study, for confirmation of this fact. The weighted average used in Exhibit 27 was $3.42. We conservatively estimate that the Presidential Emergency Board's recommendation would add 18¢ to that figure, resulting in a new $3.60 weighted average. That keeps the airline employees substantially ahead of their counterparts in a broad representative sample of other American industries.

[CARRIERS EXHIBIT 27]

RANKING OF AVERAGE GROSS HOURLY EARNINGS OF PRODUCTION WORKERS BY INDUSTRY, MAINTENANCE OF EQUIPMENT, AND STORES EMPLOYEES OF THE RAILROADS AND IAM-REPRESENTED EMPLOYEES OF THE FIVE CARRIERS

This exhibit shows the relationship of the average gross hourly earnings of the IAM-represented employees of the five carriers with the gross hourly earnings of production workers by industry groups and railroad maintenance of equipment and stores employees throughout the past 10 years.

The IAM-represented employees progressed from a ranking of fifth place among the groups in 1956 to the top position in 1962, a position which has been retained to date.

Ranking of average gross hourly earnings of production workers by industry, maintenance of equipment, and stores employees of the railroad and IAM-represented employees of the 5 carriers, January of each year 1956–66

	1966	1965	1964	1963	1962	1961	1960	1959	1958	1957	1956
5 carriers	$3.42 (1)	$3.41 (1)	$3.32 (1)	$3.18 (1)	$3.09 (1)	$2.94 (2)	$2.86 (2)	$2.78 (1)	$2.48 (3)	$2.35 (4)	$2.19 (5)
Petroleum refining and related industries	3.37 (2)	3.24 (2)	3.20 (2)	3.14 (2)	3.08 (2)	3.00 (1)	2.89 (1)	2.77 (2)	2.73 (1)	2.60 (1)	2.43 (1)
Transportation equipment	3.29 (3)	3.19 (3)	3.08 (3)	2.97 (4)	2.87 (4)	2.76 (4)	2.74 (4)	2.60 (4)	2.44 (5)	2.36 (3)	2.23 (4)
Primary metals industries	3.23 (4)	3.15 (4)	3.06 (4)	2.99 (3)	3.01 (3)	2.82 (3)	2.86 (2)	2.76 (3)	2.56 (2)	2.47 (2)	2.33 (2)
Ordnance and accessories	3.16 (5)	3.07 (5)	2.97 (5)	2.89 (5)	2.80 (5)	2.74 (5)	2.64 (5)	2.58 (5)	2.46 (4)	2.30 (6)	2.14 (7)
Printing, publishing, and allied industries	3.09 (6)	3.00 (6)	2.93 (6)	2.83 (6)	2.78 (6)	2.71 (6)	2.63 (6)	2.54 (6)	2.44 (5)	2.35 (4)	2.28 (3)
Machinery	3.03 (7)	2.92 (7)	2.84 (7)	2.75 (7)	2.67 (7)	2.58 (8)	2.53 (8)	2.43 (8)	2.33 (8)	2.26 (7)	2.16 (6)
Railroad, maintenance of equipment and stores	[1] 2.96 (8)	2.88 (8)	2.74 (9)	2.73 (8)	2.62 (9)	2.62 (7)	2.55 (7)	2.51 (7)	2.36 (7)	2.21 (8)	2.09 (8)
Chemicals and allied products	2.93 (9)	2.84 (9)	2.77 (8)	2.69 (9)	2.63 (8)	2.54 (9)	2.46 (9)	2.35 (9)	2.25 (9)	2.14 (9)	2.03 (9)
Fabricated metal products	2.81 (10)	2.72 (10)	2.65 (10)	2.58 (10)	2.53 (10)	2.45 (10)	2.42 (10)	2.31 (10)	2.20 (10)	2.11 (10)	2.00 (11)
Paper and allied products	2.70 (11)	2.61 (11)	2.52 (11)	2.44 (13)	2.38 (14)	2.29 (15)	2.22 (15)	2.15 (15)	2.06 (15)	1.97 (15)	1.87 (15)
Stone, clay, and glass products	2.67 (12)	2.56 (14)	2.50 (13)	2.44 (13)	2.39 (13)	2.30 (14)	2.26 (13)	2.17 (14)	2.10 (13)	2.02 (13)	1.91 (13)
Instruments and related products	2.66 (13)	2.59 (12)	2.51 (12)	2.46 (11)	2.42 (11)	2.36 (11)	2.27 (12)	2.20 (12)	2.11 (12)	2.04 (12)	1.93 (11)
Rubber and miscellaneous plastic products	2.64 (14)	2.59 (12)	2.50 (13)	2.46 (11)	2.42 (11)	2.34 (12)	2.32 (11)	2.26 (11)	2.14 (11)	2.08 (11)	2.01 (10)
Electrical equipment and supplies	2.61 (15)	2.56 (14)	2.50 (13)	2.43 (15)	2.38 (14)	2.33 (13)	2.25 (14)	2.18 (13)	2.09 (14)	2.02 (13)	1.90 (14)
Food and kindred products	2.48 (16)	2.44 (16)	2.38 (16)	2.30 (16)	2.24 (16)	2.16 (16)	2.10 (16)	2.01 (16)	1.93 (16)	1.84 (16)	1.75 (16)
Miscellaneous manufacturing industries	2.20 (17)	2.14 (17)	2.09 (17)	2.03 (17)	1.98 (17)	1.93 (17)	1.89 (17)	1.83 (17)	1.79 (17)	1.75 (17)	1.66 (17)
Lumber and wood products	2.16 (18)	2.08 (18)	2.08 (18)	1.97 (18)	1.97 (18)	1.84 (19)	1.83 (19)	1.80 (19)	1.74 (19)	1.65 (19)	1.60 (19)
Furniture and fixtures	2.15 (19)	2.07 (19)	2.02 (19)	1.97 (18)	1.94 (19)	1.89 (18)	1.86 (18)	1.81 (18)	1.76 (18)	1.72 (18)	1.65 (18)
Tobacco manufacturers	2.15 (19)	2.05 (20)	1.97 (20)	1.90 (20)	1.81 (20)	1.74 (20)	1.69 (20)	1.63 (20)	1.55 (20)	1.50 (21)	1.41 (21)
Leather and leather products	1.91 (21)	1.86 (21)	1.79 (21)	1.74 (21)	1.71 (21)	1.65 (21)	1.62 (21)	1.58 (21)	1.54 (21)	1.50 (21)	1.43 (20)
Textile-mill products	1.91 (21)	1.83 (22)	1.76 (23)	1.69 (23)	1.65 (23)	1.61 (23)	1.59 (22)	1.51 (23)	1.49 (23)	1.49 (23)	1.41 (21)
Apparel and related products	1.85 (23)	1.81 (23)	1.78 (22)	1.70 (22)	1.69 (22)	1.62 (22)	1.58 (23)	1.57 (22)	1.53 (22)	1.51 (20)	1.41 (21)

[1] As of November 1965.

NOTE.—Figure in parenthesis indicates ranking of earnings.

Source: "Employment and Earnings," U.S. Department of Labor, "Wage Statistics for Class I Carriers," Interstate Commerce Commission, Company Records.

Mr. ERVIN. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I am happy to yield to the Senator from North Carolina. I have finished my statement on the resolution, Mr. President, and I am about to yield the floor. However, the Senator from North Carolina wants to ask me a few questions.

Mr. ERVIN. I should like to ask the distinguished Senator from Oregon certain questions.

Is it not true that both the committee resolution and the substitute offered by the Senator from Oregon declare this:

The Congress, therefore, finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

Mr. MORSE. Yes.

Mr. ERVIN. Is not one of the advantages of the substitute over the committee resolution that, while both of them declare emergency measures to be necessary under the circumstances which confront the Nation at this hour, the substitute resolution provides for such emergency measures and the committee resolution provides that there shall be no emergency measures unless the President elects to put them in operation?

Mr. MORSE. That is exactly so. That is why I have said so many times that the committee resolution is an attempt on the part of Congress to delegate legis-

lative power, and that cannot be done under the Constitution. The Attorney General has told us that it cannot be done. He has told the President that the President cannot assume it. Therefore, I think we would be unwise to proceed to pass the committee joint resolution, when the legal adviser to the President says that it is an unconstitutional measure.

Mr. ERVIN. Is it not true that the substitute joint resolution does not in any way alter the relationship which existed between the carriers and the members of the union at the time the strike began?

Mr. MORSE. Not one iota.

Mr. ERVIN. Is it not true that the substitute measure is based upon a recognition of the desirability of having the entire controversy settled by collective bargaining, and does nothing whatever to interfere with collective bargaining, but, on the contrary, attempts to encourage a settlement of the controversy by collective bargaining?

Mr. MORSE. That is completely true. It is the argument I have made over and over again.

Mr. ERVIN. Does not the Senator from Oregon agree with the Senator from North Carolina that the most desirable way to settle controversies between labor and management is by the processes of collective bargaining?

Mr. MORSE. That is correct.

Mr. ERVIN. Is it not true also that the substitute joint resolution recognizes that every man as an individual has the right to quit work at any time, for any reason satisfactory to him, and expressly spells out in section 7 of the substitute measure that nothing contained therein shall interfere with the right of an individual to quit work?

Mr. MORSE. Absolutely. I discussed that point this morning. It is a very important point. I took it for granted that every Senator recognizes that this is a basic right anyway and that such language was not necessary in the joint resolution; but I joined with the Senator from New York [Mr. JAVITS] in taking the language right out of existing law and inserting it in this measure.

Mr. ERVIN. Does not the Senator from Oregon agree with the Senator from North Carolina that perhaps the overriding desirability of the substitute measure compared with the committee measure lies in the fact that the substitute recognizes that the legislative power of the Federal Government resides in Congress, and that Congress ought to stand up and exercise that legislative power instead of trying to delegate its responsibility to the President?

Mr. MORSE. The Senator is correct. He had stepped out of the Chamber momentarily when I told the Senate that the Senator from North Carolina had invited my attention to article I, section 1, of the Constitution, which vests the sole legislative power in Congress, and vests no legislative power in the President—only the executive power—and that, in my judgment, what is being attempted by the committee joint resolution is to have Congress delegate that power. Clearly we cannot delegate our legislative power to the President.

Mr. ERVIN. I realize that the distinguished Senator from Oregon shares the regret of the Senator from North Carolina that we are confronted with a situation which demands that emergency measures be taken by the Congress. After consideration of what has been said on both sides of the subject, and as a result of giving much thought to this question, I am of the belief that the substitute offers the most desirable approach. While I regret that it must be done, I realize that Congress must act.

Mr. MORSE. I yield the floor.

Mr. JAVITS. Mr. President, I wish to call attention to another section of the bill to which I do not think the Senator from Oregon alluded with great specificity, and that is section 8 of the resolution, which, to my mind, is one of the critically important sections of the substitute. This section, which I originated as Amendment No. 718 several days ago, requires that the administration make a complete study and give us recommendations for improved permanent emergency strike legislation. It puts us on the road which we should have traveled at least 3 years ago, and that is to resolve an open question, because the Railway Labor Act and the Labor-Management Relations Act do not answer what happens afterward. Under the Railway Labor Act we are up against the puzzling proposition of a statute which sets forth procedures by which it was supposed that strikes would be unnecessary in transportation which is of an essential national character. Yet the procedure at that point falls down, and we have no answer.

Notwithstanding the promise of the administration to Congress—and I do not say that invidiously—in which the President said in his state of the Union message that he would send recommendations to Congress, he never has, and we are left in the situation which occurred in 1963 when we were under the imminent threat of a railroad strike. We find ourselves under the double embarrassment of this strike going on and leaving people who, like myself, have spent a lifetime of devotion to the cause of labor, being put in the position of breaking a strike in an industry in which there should not have been a strike—not because the workers are not entitled to justice, but because the public exigencies call for procedures under which it would not be necessary to strike. They are similar to Federal employees. Employees who come under the jurisdiction of the Railway Labor Act are somewhat equivalent to them.

Also, an 80-day injunction may be imposed under the Taft-Hartley Act when the President feels it is justified. The 80 days expire. Then what happens? What is the recourse for the U.S. Government?

We saw it in the transit strike in New York City. This question applies not only to national strikes, involving longshoremen and aircraft and railroads, but also to local situations. In New York City, there was a tieup in local transportation for 2 weeks. The whole country suffered. Banking, brokerage houses, essential services, insurance, the direction of great enterprises in the United States which have offices in New York, all suffered very seriously though one might make an argument very persuasively that people must endure inconveniences during strikes in the interest of the principle of collective bargaining. I think it was much more of the character of a national emergency than one which involved only the inconvenience of the people of New York.

For all these reasons, and again without disrespect, I say that the argument is one of tweedledee tweedledum on the floor. A period of 30 days is most impractical from the point of view of a return to work. The President could wait 10 days to sign the resolution. It would take about a week for the people to get back on the job. Therefore, much of the 30 days would be gone. But I think it would be immaterial because, when the President signs the bill, he is signing a direction for a return to work. A period of 30 days, and then 60 days, is provided for. There is no direction in the resolution as to the settlement of the dispute.

I think it would be difficult for the workers, management, and the riding public to know that at the end of 30 days, or 60 days, or another 90 days, the transportation could be cut off, and that Congress would then have to be faced with a need for a resolution of the dispute, tantamount to compulsory arbitration such as occurred in the railroad dispute.

Whether we argue it should be done in this way or in the way proposed by the Senator from Pennsylvania [Mr. CLARK] and, as I did in committee, I shall support the substitute and, if it fails, I shall with ardor and strength, support the Clark resolution, as I did in committee; we must do something, and have something which is a consensus and which Congress will produce.

I have done my utmost, within the limits of statesmanship, to architect something which would command the support of the majority of Congress.

Mr. MORSE. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MORSE. I want to take a moment to publicly express my deep appreciation to the Senator from New York for the great assistance which he has given. As everybody knows, it has been a difficult task, but I would not have accepted the assignment unless I believed in it.

I am satisfied that in due time what we are doing will be of great service to American labor, although they may not appreciate it now. In my judgment, if American labor should be allowed now to use this as a pacesetter for future action, I do not see how they could avert—if we do not bring this strike to an end—irreparable damage which will flow to American labor and the great cause for which it stands. We would then be in Congress trying to save labor from public reaction which they would suffer as a result of the action they had taken.

But I wish to say to the Senator from New York, the cosponsor with me of my original resolution—who then, for reasons that he has fully explained, decided for a time to vote with those in the committee who favored the Clark resolution. Subsequently the Senator from New York has been very helpful to me in working out a compromise that I think meets many of the objections raised in the committee. The substitute resolution would not be at the desk this morning were it not for the legislative architectural ability of the Senator from New York.

Mr. JAVITS. The Senator is very kind. Frankly, I take no great satisfaction in this effort. I feel it is a very profound duty.

I think the preponderate view of the Senate is very strongly in favor of trade unions. Many of us have shown that on occasion. But also, I think, when we talk as often as we do about the public interest being paramount, at least occasionally we have to vote that way. I think *this is such* an occasion.

Mr. President, I would also beg my close friends, with whom I have worked for years, who are leaders in the trade union movement, to understand that we understand their attitude. I would not expect them to do anything else but to protest vigorously, and to assure me and everybody else in my position of the utmost recrimination and retaliation by American labor. That is their duty and their job. They are protagonists. They have a position and a point of view that it is their job to fight for, just as management would fight for its position. That is the open market in ideas, considerations, et cetera.

It is our job to undertake the arduous responsibility of the ruler or the judge, as the case may be, and to vote what we think is in the very best interests of the whole country, including labor. On occasion, that task is not easy; and this situation shows up its difficulties in their most glaring and regrettable form. Most of us will not—and certainly not Senator MORSE nor I—approach this vote with any degree of joy and gladness. But it is a duty which must be performed. We are not sent here to do only the easy things that will get the applause of one group of the community or the other. We wish that were the case. We try very hard to do it; but sometimes we just cannot.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOMINICK. I thank the Senator for yielding. I thought I might make one or two comments that would be worthwhile to add to what has been said.

First of all, we have heard much talk about the proposed legislation being strikebreaking. That is what the Senator from New York was referring to in some of his comments.

But as I have listened to the debate, I have been thinking about that. I believe that the term "strikebreaking," in the minds of the people, usually means that workers cannot strike, and therefore they will lose what they are seeking.

In the proposed legislation, what we are doing is saying, "You go back to work, you continue being paid, and you continue free collective bargaining in the negotiation period." If the unions wish to stick on their position, or if the airline companies wish to stick on theirs, all they have to do is to stand absolutely solid, is that not true, until the end of all these periods, and then they can go out on strike again?

Mr. JAVITS. That is perfectly true; and in addition, I might point out that by including in the resolution what is already manifest in the Constitution, if an individual feels so strongly about it that he just will not work under these conditions, he can quit his job and refrain from working.

Mr. DOMINICK. I think that was a very helpful amendment which the Senator from New York had added.

Mr. JAVITS. Senator MORSE has pointed out that perhaps such an employee would feel he would lose his job, or lose some of his perquisites. He may very well; but I do not know necessarily that he will lose anything.

In addition, I believe that, by and large, the men feel they should return to work when Congress asks them. Mr. Siemiller said that himself, that they will come back to work because they are honest, patriotic Americans, and if Congress asks it or if a court asks it, they will do their job.

I am absolutely confident of that. I will ride in airplanes with the greatest feeling of security and peace of mind, confident that every mechanic and machinist is doing his job to the best of his ability, and will not take out his grievances on the plane or on safety.

Mr. DOMINICK. Will the Senator yield further?

Mr. JAVITS. I yield.

Mr. DOMINICK. There are two comments on that point I should like to make. One is that I have received informal assurances from the airlines that the first item of business, if the airlines are put back to work, would be for the negotiators to work out the pay and wage rate scale during the interim period, which I was assured would be higher than what the pay was when the contracts terminated on December 31, 1965.

The second point I wish to make is that although this is the machinists' union, it is not just mechanics who are involved, as I think the Senator from New York is aware. There are janitors, floor cleaners, finishers, painters—there are all kinds of different work classifications included within the designation of machinists represented by this union. So that, although the actual mechanics on the airplanes are involved, and I have the highest respect for them, having been active in the aviation field for more than 30 years; I am positive that we need have no concern about safety from the point of view of what those people would or would not do. They will exercise their highest duty and their highest prerogative, even if the joint resolution should pass.

Mr. JAVITS. I thank the Senator from Colorado.

Mr. President, I should like to close by again calling the attention of Senators—who will be voting shortly—to section 8 of the substitute resolution, which, as I said, starts in motion what should result in at least enabling the public interest and the interest of the United States to safeguard themselves as working entities. It is in the highest public interest, in terms of the people of the United States, that the Government should at no time be immobilized from operating. I am very hopeful that this provision, which calls upon the Secretary of Labor to immediately study the question and bring us recommendations by the 15th of January, 1967, for permanent emergency strike legislation will be part of the measure which the President signs. However this matter may be worked out in conference with the House of Representatives, I hope that we will all recognize that this is perhaps the most important part of the effort which has here been touched off.

Mr. MORSE. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. MORSE. Though I did not dwell on that point when I gave the explanation of my joint resolution, I did not do so because I think it speaks for itself. May I say that I am a cosponsor of the resolution the Senator from New York introduced, calling for such a study by the Secretary of Labor. I think we have the right to his advice; and furthermore, it would only carry out what the President said in his state of the Union message was his intention. He at that time said—I am paraphrasing, but fairly accurately—that such legislation would be forthcoming. I believe, with all the storm clouds in the economic skies as far as management-labor relations are concerned, we had better get on with the business of having some permanent legislation. In fact, I have already expressed some doubt as to whether we ought to wait until January for consideration of such legislation.

Mr. JAVITS. I thank the Senator very much. He did join with me, and I will state to the Senate, it would have been impossible even to get the proposal into this substitute resolution, and make as much progress as we have, unless Senator MORSE had joined in the effort and it had had reasonably good support in our Committee on Labor and Public Welfare.

Mr. President, I close by pointing out that no one is going to cheer and applaud the result of this vote. None of us regards it with anything but the deepest concern and the deepest sense of responsibility. I realize that some Senators who have supported the Clark resolution may vote against this one. I regret that very much, because I see no difference whatever in principle, or, indeed, in substance, between the two. I deeply believe that the point which has been made and reiterated constantly—that the President needs to sign the measure in order to make it operative even for the very short period of time which is called for, the 30 days for a return to work, requires on the part of the Presi-

dent the exercise of the same authority, when he signs the joint resolution, as he would exercise under the Clark plan—and he would then be called upon to issue the Executive order which would mean nothing but signing another piece of paper.

Mr. President, I believe it is important to act in this matter in order to give the President the authority which he now does not have. It seems to me that this substitute is the only measure upon which a real majority can be built in the Senate. I believe the measure needs to be supported on that ground.

I repeat what I said in committee and what I said here. If this measure should fail, I intend, with vigor and enthusiasm, to support the bill reported by the committee.

I am deeply convinced that the intent and purpose of the Railway Labor Act is to avoid, if humanly possible, strikes in just such situations as this.

The act does not work because the act is imperfect. Therefore, facing a serious situation nationally, we are doing our utmost to buttress and shore up the Railway Labor Act. It is not good to have to do so. We ought to have permanent legislation. However, this is the best we can do under the circumstances. Whether we shore it up in this way or by the use of the Clark plan, it amounts to the same thing.

The President will either sign this or he will not.

I pledge myself not to vote to override his veto. If he does not favor this, I will stand with him. This is a partnership between the President and the Congress.

If he does want it to take effect, I will support him. It is tweedledum and tweedledee whether he does this or does what is called for in the Clark resolution.

I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 2858) to amend section 502 of the Merchant Marine Act, 1936, relating to construction differential subsidies, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. GARMATZ, Mr. ASHLEY, Mr. DOWNING, Mr. MAILLIARD, and Mr. PELLY were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 14875) to amend section 1035 of title 10, United States Code, and other laws, to authorize members of the uniformed services who are on duty outside the United States or its possessions to deposit their savings with a uniformed service, and for other purposes.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 7327) to repeal section 7043 of title 10, United States Code.

The message also announced that the House had passed a joint resolution (H.J. Res. 1207) to authorize the Administrator of General Services to accept title to the John Fitzgerald Kennedy Library, and for other purposes, in which it requested the concurrence of the Senate.

HOUSE JOINT RESOLUTION REFERRED

The joint resolution (H.J. Res. 1207) to authorize the Administrator of General Services to accept title to the John Fitzgerald Kennedy Library, and for other purposes, was read twice by its title and referred to the Committee on Government Operations.

THE AIRLINE LABOR DISPUTE

The Senate resumed the consideration of the joint resolution (S.J. Res. 186) to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes.

Mr. SMATHERS. Mr. President, I shall take just a moment to congratulate the distinguished senior Senator from Oregon and the distinguished senior Senator from New York on what to me is the best compromise under the circumstances.

I think it is quite obvious that this strike is doing great and serious harm to all citizens of the country. There is no question that some sections are hurt more directly than are others. But ultimately, there is no question that people and businesses everywhere, whether the business be big or small, the people from North or South, rely in some manner on a fully functioning commercial airline system. Businessman and farmer, rich and poor, housewife and student—all are required to suffer to some extent because of this strike.

Mr. President, I think everyone must recognize the fact that the continuation of this strike up to this point has been very dangerous to our economy and the public interest.

Our economy is not in as good a shape today as it was 6 months ago. Nearly everyone admits that fact. More of the economic indicators for the first time in more than 5 years have begun to indicate that we could be in for considerable trouble in the months ahead.

In the second quarter of 1966, the gross national product registered the smallest increase since the fall of 1964.

Second quarter retail sales for this year are off 2.6 percent from the preceding quarter.

Personal income gained less in the second quarter than in any quarter since the spring of 1963.

These conditions, combined with rising interest rates, rising prices, and a protracted stalemate in this current strike could set off a general downturn of large proportions.

The strike is causing loss to those people who are members of the International Association of Machinists, even though they may recover it at a later date.

The Secretary of Labor, when he testified before the Committee on Labor and Public Welfare, stated that the situation already was bad. He did not think that it constituted a national emergency at the moment. However, he did testify that, if the strike continued much longer, it would constitute a national emergency. He made that statement on July 27, 8 days ago. It is obvious that the strike cannot be permitted to continue any longer without actually resulting in very serious damage to the economy.

The strike causes great inconvenience to the people of the Nation. As the distinguished senior Senator from Oregon has said, the public interest is now involved in this deadlock. This is no longer merely a dispute between the machinists on the one hand and the airlines involved on the other.

Since July 8, millions of innocent citizens with no direct interest in the contested issues have been unwillingly drawn in.

One year of negotiations between the International Association of Machinists and the five affected airlines failed to produce a mutually acceptable pact. The efforts of the National Mediation Board failed to produce such an agreement, as did the Emergency Board created by the President on April 21 of this year. The personal intervention of the Secretary of Labor, and finally, the President of the United States, could not bring about a settlement. There is nothing else to do now but to have the Congress act.

I think that calling on Congress to act was the only thing that could be done.

When the senior Senator from Oregon first asked that we move, there were those who—while they agreed that legislation was needed—did not agree with his approach to the matter.

It has been out of that disagreement on the part of people who thought something should be done, but did not agree on the details of how to do it, that we now have this compromise.

There are those who say that we should do nothing. I say we cannot let the patient, in effect, bleed to death. That is what is happening in Florida, in Alaska, in Hawaii, and in other States whose economies are greatly dependent upon airline service. The people in some of these States depend on airline service for nearly all their movements to and from other States.

This strike not only drastically affects the people in those States, but it has also begun to affect everyone.

With respect to the question of having the President assume responsibility, I would point out that the President must either sign or veto legislation passed by Congress. In signing a bill into law, he assumes a measure of responsibility for it.

As the senior Senator from Oregon has so well pointed out, the Constitution gives us the primary responsibility in this matter. It is our responsibility and our duty.

We must now meet that responsibility and duty. However, the President will be participating with us should he sign this particular measure.

I hope this legislation will be overwhelmingly adopted this afternoon.

We need to move. We need to act before there is more suffering and more economic dislocation.

However, like the Senator from New York, if this particular compromise is not passed, I will then be one of those who will vote for the so-called Clark resolution, even though I do not think it is nearly as satisfactory or desirable as is the measure now proposed by the distinguished Senators from Oregon and New York.

Mr. President, I yield the floor.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair, but not until later than 1:30, at which time, I also ask unanimous consent, the distinguished Senator from Vermont [Mr. PROUTY] be recognized, and that at 2 o'clock the distinguished Senator from New Hampshire [Mr. COTTON] be recognized.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Thereupon (at 1 o'clock and 9 minutes p.m.) the Senate recessed subject to the call of the Chair.

The Senate reassembled at 1 o'clock and 19 minutes p.m., when called to order by the Presiding Officer (Mr. MONTOYA in the chair).

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Mr. President, would it be in order to bring up the unemployment compensation bill after the pending business is disposed of?

The PRESIDING OFFICER. It would.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROUTY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROUTY. Mr. President, I would like to comment briefly on the results of the ratification vote last Sunday whereby the membership of the IAM rejected the terms of the collective bargaining agreement which their president and their national committee had negotiated with the carriers.

Also, I should like to point out why I am opposed to the pending resolution.

According to the figures available to me—and I think this is important—17,251 voted against the contract, while 6,587 voted to accept it. There were 35,400 members eligible to vote, however, which means that 11,562 members did not vote either way.

Accordingly, if we combine the number of votes cast to accept the contract with the number of members who did not vote, we have a total of 18,149. To put it another way, 48.7 percent of the union members eligible to vote voted against the contract while 32.6 percent of the eligible voters did not vote.

It is clear, therefore, that a majority of the union's members affected by the proposed contract did not vote to reject it.

I am concerned over the manner in which last Sunday's ratification vote was conducted. I am advised that the telegrams sent to the local unions by Mr. Siemiller and the negotiating committee were quite complicated and that it was difficult to fully understand the proposed terms of settlement on the basis of the contents of these telegrams.

Another complicating factor is the speed with which the ratification vote was held. I am convinced that the membership of the union was not adequately informed and did not completely understand the contract proposals on which they were called to pass judgment.

I am, also, informed and it appears entirely reasonable to me that the rank and file members of the union and their local leaders were quite irked at the manner in which the President flatly announced to the Nation on Friday evening that the airlines strike has been settled. This was done at a time when the membership had no knowledge of the terms of the settlement but knew only too well that the strike was not settled unless these terms were approved in a ratification vote.

I might also point out that I have been informed that the union members who are carrying out the negotiations specifically requested the President not to make that announcement on Friday evening. We know the President has refused to assume any responsibility with respect to pending legislation, but he certainly had no hesitancy in rushing to television and radio to announce the settlement for which he thought he would receive the credit.

Much has been said here about the union democracy involved in the membership's rejection of the contract negotiated by their president. I would like to point out, however, that the officers and leadership of most of the local unions strongly recommended that the membership of their respective locals reject the proposed settlement. In my opinion, the ratification vote would have shown an entirely different result if the leaders of the local unions had supported their international president and recommended to their members that the contract be approved. I think it is clear that the manner in which the administration announced that the strike had been settled created a tremendous amount of resentment among the rank and file members of the union and had a significant influence upon the action of the officers of the local unions in recommending that the settlement be rejected.

I have given this problem my utmost consideration in trying to determine what is the proper course of action for me to take with respect to the pending resolution and the various substitutes which have been proposed. In this regard I have been in contact with many members of the other body, and I am convinced that a resolution designed to terminate the current strike cannot pass the House unless the administration is prepared to state that the national interest is involved and the President affirmatively states that he desires Congress to enact some form of emergency legislation.

I have now concluded that the best thing for the Senate to do in the present circumstances is to lay this legislation aside for a short period of time and to permit the parties to return to the bargaining table. It is entirely possible that the carriers are in a position to make further relatively minor concessions which would justify the machinists again submitting the proposed contract terms to their membership for another ratification vote.

If this situation materializes, I suggest two things: first, that any announcement of another settlement make clear that the union's membership will make the final decision. Secondly, I strongly urge that a sufficient period of time be allowed before the ratification vote to insure that the local union leaders and the rank and file membership of the union fully understand the proposals on which they are voting. In this connection, I believe that it is foolish to schedule a ratification vote on a Saturday or Sunday when so many members of the union, like all the rest of our citizens, are engaged in other activities during the summer.

I believe that if what I think will occur actually happens, another ratification vote could be conducted by the union during the early part of next week. In my opinion, the process of free collective bargaining should be given this additional opportunity to function and to discharge its responsibility to the Nation. I am fully cognizant, however, of the fact that this cannot occur unless the administration relaxes its pressure on the airlines and permits them to make further relatively minor concessions

which would justify the holdings of another ratification vote by the union.

I trust that a majority of the Senate will agree with my conclusions. I inform the Senate now that in the present circumstances I shall not vote for any resolution today or tomorrow which will require the union to terminate its strike unless the authority and responsibility for such action is vested in the President to exercise when and if he deems necessary. As I said on the floor of the Senate yesterday, I know of no instance where any administration failed and refused to take a position either for or against any piece of pending major legislation. I am convinced that it is not up to Congress to break this strike at a time when the administration takes the position that there is no national emergency, that the national interest is not involved, that such legislation is not needed to protect the national health, welfare, or safety, and when the President refuses to take the position that he desires enactment of emergency powers.

For these reasons, I shall vote against the pending substitute resolution offered by the distinguished senior Senator from Oregon and others and against any other proposal offered today which would result in the Congress ordering the striking employees back to work.

Perhaps, Mr. President, my proposal is too simple to be worthy of consideration. But it seems to me that it does offer at least some hope of settling this very serious and difficult strike without congressional action.

Mr. CLARK. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COTTON. Mr. President, in elaborating very briefly on what I had to say last night, I should like to address the Senate for a few minutes. The main reason I ask that privilege is because of the long days and hours in 1963 that some of us on the Committee on Commerce put in, under the leadership—because the distinguished chairman of the committee was necessarily out of town for a portion of that time—of the able Senator from Rhode Island [Mr. PASTORE]. It is because of that experience that I venture to make a few suggestions to the Senate at this time.

In the first place, I again say I think it is not only most unfortunate from the standpoint of the dignity and the deliberations of the Senate, but also from the standpoint of the effectiveness of any action which we may take at this time on the strike situation, that there has been so much open talk on the floor and quiet talk in the cloakrooms, and so many rumors in the press, to the effect that this is simply a contest to see whether the President shall assume the burden of taking drastic steps in regard to this airline strike, or whether Congress shall assume that burden, and that it is a contest to put the blame on the President or on the Congress for purposes of political ends.

Mr. President, when we allow ourselves to think on that basis, we are forgetting the primary object of this legislation—if there is legislation—which is to put the planes in the air and effectively stop the strike, for the time being at least, and restore transportation.

On that point, let me suggest to the Senate that unilateral action on the part of Congress, at least at the beginning, simply will not do the job.

If Congress furnishes the tools to the President, whether he asks for them or not—and he might very well be justified in not using them—I think we are a little premature when we start criticizing. If Congress simply furnishes the tools to the President to help him take steps to end this strike, get the planes in the air, the people back to work, and communications resumed, then, if the President, acting with that authority, declares that there is a national emergency, or that interstate commerce is disrupted to the point that it may constitute something approaching an emergency, and take affirmative action, I cannot conceive that the men who are members of the striking union will not honor his decision and request, go back to work, and give this a fair trial.

Mr. President, let us look at the other side of the picture. These men can read. They will understand what transpired if the Congress of the United States, after bickering and fighting and debating and compromising and conferring for 2 or 3 days—it being perfectly obvious that the President at least is not very enthusiastic about action by Congress, whatever he may do—takes action. Certainly there has been no indication that the President is asking for legislation, and one could well assume from the course of events that he has grave doubts as to whether the time has come for such action. If the Congress then passes an act sending the men back to work for the first 30 days by action of Congress, what is the situation? They are being sent back to work not by the President, not by the man who sits in the White House, who all through the years traditionally has decided when action is necessary and when situations exist which involve the public interest, the public health, and the public safety, but they are being actually sent back to work, in their opinion, by action of the Congress.

That would be far from a united action, with no suggestion or call from the President. In my humble opinion, that is neither good nor effective. In my humble opinion, Congress in such a situation does not command—and this is no reflection on Congress—the respect and the prestige to send back to work the striking union men, who are so imbued and who believe so intensely in their cause that they have repudiated the agreement and refused to return to work and thus fulfill an agreement agreed upon by their officers.

So, unilateral action, in attempting to send them back to work by action of Congress, is not only setting a new precedent, a precedent that will rise up to haunt us in the years ahead, but it also has a very strong possibility, if not probability, of not doing the job.

Mr. President, when a railway tieup was threatened in 1963, although the strike had not actually started throughout the country, President Kennedy had the leaders of Congress and the members of the Commerce Committee down to the White House.

Strictly speaking, that problem should have gone to the Committee on Labor and Public Welfare but, through some agreement at that time of which the Senator from New Hampshire does not have the details, it was decided that such request as the President decided to make would go into the hands of the Committee on Commerce.

I well remember, as does the Senator from Rhode Island [Mr. PASTORE]—and as do other Senators, I daresay—the day we went to the White House and the late President Kennedy said to us that he had exhausted every effort that he could exert to avert the railway strike, which clearly was coming because of the dispute relating to the crew concept and the locomotive firemen.

He reviewed the fact that there had already been two—yes, three, I believe—Presidential commissions going back several years, that had taken evidence, considered the problem, and come to a conclusion; that in each case the discontented firemen and other employees affected by the order of the carriers had refused to accept the decisions; that they were then ready to strike if the order were issued by the carriers that would discharge the firemen who were claimed not to be needed; and that the country was under the gun.

The President unhesitatingly said at that time that a national railway strike—and I am sure that he was correct—would tie up the economy of the country and would be a national disaster that the people of the country and its economy could not afford. Therefore, he presented to us a plan of action.

In the colloquy this morning between the able Senator from Oregon [Mr. MORSE] and the able Senator from Rhode Island [Mr. PASTORE], to which I listened intently, there was much talk about what President Kennedy's plan was and whether Congress changed it. I well remember that President Kennedy said to us at the White House at that time that he was extremely reluctant to invoke any process which could be termed compulsory arbitration.

But he also said that the situation was so serious that something akin to compulsory arbitration, in his opinion, must be resorted to. However, he had a plan which could be executed, he believed,

without setting a precedent in the future for compulsory arbitration. The plan, in essence, called for an act of Congress that would authorize another board, that would stop the strike or forbid the strike; that would accept all the points in dispute that had been tacitly agreed on and were not being questioned by the carriers or the unions; that would leave to the board of arbitration only those questions that had been rather narrowed down—the crew concept, the firemen, and others—for adjudication by the board; and that the period should be only temporary, in that the act would expire in 2 years.

It was contemplated that arbitration and collective bargaining should go on during that time, and at the end of 2 years the right to strike would then be restored automatically.

It is true that the bill which came from the committee went somewhat further than what the President had suggested, in that it was more plainer and bolder in its provision for what could be termed temporary compulsory arbitration. But at all times, the President knew exactly what he wanted. He was convinced that action was imperative. He was leading Congress and urging Congress to take whatever action was necessary to avert a national disaster.

Acting on that basis, we held public hearings, as I am sure the Senator from Rhode Island will corroborate, because he presided over them. We held hearings day after day and night after night, far into the night, for 10 days, if not 2 weeks. We listened to the evidence of those representing the carriers and those representing the various railway unions. We heard evidence from the public. All the argument and conflict about what we should do was carefully sifted.

There was strongly divergent views. Many Senators will remember that our late, beloved colleague from California, Senator Clair Engle, led a strong fight against any action by Congress which would even smell of compulsory arbitration. Finally, we arrived at a conclusion, and the President put it into execution.

Now, mark this: That was not the end of it. Again and again, during the intervening time, since the Board of Arbitration or the Presidential Board that was created at that time rendered its decisions, after long deliberation and hearings, the parties have been back to the Committee on Commerce. They have asked for hearings and hearings have been held. Even to this very day—I informed myself on the point only this morning—unresolved matters are in dispute. While it is generally agreed that a strike has been averted and is not likely to occur, I was told by a negotiator for the carriers that it is still possible, after all this time, for us to be confronted with a railway strike, growing out of the 1963 situation that occupied the attention of the Senate and of the House for such an extended period.

Mr. President, I emphasize this because it bears out the main point I am attempting to make. We find ourselves in a situation—and one that is nobody's fault—where hastily a problem has arisen and hastily the Committee on Labor and Public Welfare, composed of extremely able men with good minds—has brought in a bill for immediate debate on the floor of the Senate. I may add that the limited opportunity members of the committee have had to review and weigh all the factors does not compare with the long days and weeks of study that took place in 1963.

Since then, another bill was brought in as a substitute. Now we have a third version, also as a substitute. And Senators disagree.

So far as this Senator knows, there has not been one word from the White House to indicate that the President wants any legislation, and only some intimation as to what specific legislation would be more palatable to him as opposed to other forms of legislation. That is not what one would call a very affirmative endorsement.

I am not criticizing the President of the United States, because he may very well be correct. If he feels that the time has not come to reach out the long arm of the Federal Government and put these men back to work and the planes in the air, or that the situation with which we are confronted does not justify such action, I am not here to say that he is wrong. But I am here to say this: If we willy-nilly send out of Congress an arbitrary measure that attempts to force men back to work without any Presidential action necessary except the usual signing of a bill that is passed by Congress, the first danger is that the bill will not accomplish its purpose. We all know that we cannot make an individual work by law. We can only bar improper union activities and collusion. The bill will not have force, it will not command respect, and it will not appeal to the patriotism or the public spirit of the men who are on strike.

So far as this Senator is concerned, if Congress does anything more with this delicate subject—which can be accepted as a precedent for the future—than offer, or place in the hands and at the disposal of the President of the United States, the tools with which to work, we will be rendering a great disservice to this country and, in my opinion, we are unlikely to be successful.

The President alone knows. The President is the only one in a position to determine really how much of an emergency exists. I have not been impressed with all of the argument on the floor of the Senate about the inconvenience or even the hardship to the public. The fact remains that probably less than 4 percent of travel, and about one-tenth of freight movement in this country is affected by the present strike.

Mr. CLARK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. TYDINGS in the chair). Does the Senator yield?

Mr. COTTON. I yield.

Mr. CLARK. I believe the figure is one-tenth of 1 percent.

Mr. COTTON. The Senator is correct. The figure is one-tenth of 1 percent. I thank the Senator.

Does the present tieup in any way affect our war effort? We do not know. Possibly members of the Armed Services Committee may have information on this point. But it is only the President who really knows. It is only the President who is going to be believed, if the time comes to say that the continuance of this strike is affecting our military prosecution of the war.

When I say that it is only the President who will be believed, I am not impugning the confidence of the people in their representatives in the Senate and the House of Representatives. Everybody knows that only the President has access to all of the information. It is the President who knows what the Joint Chiefs of Staff have to report. It is only the President who knows what the CIA has to report. It is the President who knows what Army, Navy, and Air Force intelligence have to report. If this blossoms into a situation that really impairs the war effort, it is the President who will know.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. COTTON. I yield.

Mr. JAVITS. I have the greatest respect for the Senator from New Hampshire. He knows that I am not passionate on this course, but it seems to me the only course upon which we have left to embark.

However, as a matter of information, I should like to read to the Senator from the testimony of Secretary Wirtz because of the view which the Senator has just stated in which he interprets the President's attitude to be that he does not want legislation now.

I wish to read to the Senator from New Hampshire, because it influenced us in the committee, this exchange between Secretary Wirtz and myself. It could have been any other Senator, but it happened to be the Senator from New York. These statements appear on page 15 of the transcript of the hearing.

Senator JAVITS. Is it fair to say you are not telling us not to do it and you are not telling us to do it, but you are here to give us whatever information you can that will help us do it if we wish to do so?

Secretary WIRTZ. I think that is fair and would like to share between the Administration and the Congress the responsibility for trying to meet a situation which has been precipitated quite rapidly, literally overnight, and we assure this committee the fullest cooperation in an attempt to meet that joint responsibility.

I would respectfully ask the Senator from New Hampshire, who is a very fair man, if he could tell from that whether the President does or does not want legislation, or whether it would, as I said before, leave us rudderless and adrift?

Mr. COTTON. In the first place, I think what I started to say was that the President did not want legislation. Then, I corrected myself and said the President certainly did not appear enthusiastic about any legislation; and

if he wanted it, he certainly had not so indicated to the Senate.

Mr. JAVITS. I suggest to my colleagues that he did less than that. I think that the Senator, in a quite typical New England judicious manner, is giving him the best of it.

I have rarely seen a situation as important as this situation, in which a President, noted for his decisiveness, has failed to indicate any definite policy. If he had said, "Gentlemen, I do not want a bill," we would not back it and neither would the Senator from Oregon [Mr. MORSE].

Mr. COTTON. I do not argue with the Senator from New York [Mr. JAVITS] on that point. The Senator from New Hampshire is trying to lean over backwards to avoid the pitfall of giving the impression to the people of the country that we are engaged in a scrap as to who is going to be blamed and who is going to get the glory. I do not think that there will be any glory coming out of the situation for anybody.

As a matter of fact, I have not been one who goes around saying that the President wanted all of the credit, that he did not consult the Congress when he called the leaders in, that he announced it to the country with great glee, and now things have gone sour and he wants to put it on our back. I do not think that statement is justified.

The President truly tried to settle the strike by getting the carriers and the representatives of the union to sit down, as the Senator from Oregon [Mr. MORSE] knows—he himself has done it many times—and try to come up with an agreement. That is what the President did. Up to that point, I have not the slightest criticism of the President. If Congress thinks for a single minute that it is going to derive any advantage in the public mind by trying now to carry the ball and get credit for doing what the President was unable to do, there are going to be some sadly disillusioned men in the Congress before we are finished, because 500 men in the House of Representatives and the Senate cannot settle a strike. Mr. President, you might as well try to settle the strike in Madison Square Garden. If that is doubted, just remember what has been going on in this Chamber for the last 2 days.

The President may be in doubt now; certainly he has left us in doubt. I agree with the Senator from New York [Mr. JAVITS] as to that. He may be in doubt as to whether the time has come to apply the necessary pressure to force at least temporary cessation of the strike. But unless he comes to the conclusion that there is an emergency—and I do not mean a technical national emergency, but that there is an actual crisis—there is nothing involved to justify action. Unless he takes the lead in that action, my contention is that whatever is done will not amount to anything.

When Senators, for whom I have great respect, say that this is the difference between Tweedledee and Tweedledum, whether Congress calls a moratorium on the strike and orders them back to work for 30 days, and whether we give him the power to do it, I contend it is not a trivial matter. I contend we are embarking on a venture that cannot succeed unless the President acts.

Why should we write into this substitute an ironclad provision putting the men back to work for 30 days? As a matter of fact, if the President does sign it after his silence, and after his obvious lack of affirmative enthusiasm for any kind of legislation, what right do we have to expect that the striking machinists are going to be so awed and so impressed by an act of Congress, after it has bickered, debated, and disagreed about that action for days, that they are then going to go back to work.

Not only will we run the risk of attempting something and then failing, and failing far worse than the President has failed thus far, but we will also be taking an unprecedented action which will open up wide vistas of trouble for the future.

Let me reiterate what I said last night when only a few Senators were in the Chamber. In the first place, Congress is exceeding its function when it affirmatively passes an act to send men back to work. It is our job to provide the tools. It is our job to provide the basic law. We are not the executive branch. We resent it—and I have resented it constantly—when we feel that the executive branch is infringing upon the legislative branch. It is not our prerogative to take an individual strike between "A" and "B", or "X" and "Y," and try to judge its merits in a few hours in committee and a few hours on the floor of the Senate, and then put into action a self-executing measure.

I have listened to speeches about constituents writing to their Senators and Representatives. All of us have received those letters, although I have not received as many on this subject as I have on the subject of dogs and cats. I have not received as many letters on the subject of this strike as I have on whether flying saucers carry little green men visiting us from Mars. But I have had letters on the subject, of course, and I know that there has been hardship.

But, the moment we open the door and take unilateral action to settle, or at least send men back to work and temporarily terminate one single strike, then every time there is a labor dispute all across this broad land, every time there is a strike anywhere—and there are no strikes that do not cause hardship, there are no strikes that affect only a few people—every time that happens—mark my words—Senators and Representatives will be flooded with letters. What we have received to date on this problem will not be a patch on the accumulation of letters through the years that will come to the Capitol from every antilabor person, from everyone aggrieved on the subject, from everyone who feels strongly about a particular dispute and writes, "You did it in the case of the airlines strike. You can do it again. Why don't you get busy?"

As I said last night, if this substitute is passed with section 2 in it, which actually sends the men back to work, we may as well put a sign outside the Senate door, "Capitol Hill Labor Relations Board," because the Senate will be in that business.

Let me say this before I close: The President told us last January that he intended to send us proposed legislation providing for means to avert or prevent strikes which endanger the public health and safety. I do not reproach him for not having sent it up, although he has not been reticent about sending up other recommendations. But, I can understand the difficulty. It would seem to me, however, that the Committee on Labor and Public Welfare, and the leadership in the Senate, might well begin right now to consider—and not leave it for another crisis to develop—what, if any, machinery can be set up for this general purpose.

Let me remind all Senators that I came to Congress and was sworn in in January 1947—20 years ago—and I served as a Member of the House when the Taft-Hartley law was passed. I voted for it, and I was present and voted to override President Truman's veto of that law. Senators will remember that we were charged with every kind of heinous crime because the President of the United States was dead against that law. But, before the ink was dry on it, President Truman made use of its provisions in order to stay and delay strikes.

During the years since, the provisions of the Taft-Hartley law to delay strikes have been resorted to 24 times. Of course, that does not include the times that the provisions of the Railway Labor Act were employed, as they have been in this case.

If Congress is eager to do something to preserve the health and safety of this country, to avert strikes endangering the health and safety, and perhaps even the defense of America, there is no reason why it could not begin now and not wait for the President.

But, no. It is an entirely different situation when we are going to select one strike and act upon it. That is when we should be careful to provide the President with the means of acting upon it.

So far as I am concerned, my only criticism of the President is that he has the duty to guide us to the extent of indicating whether he wants legislation or does not want legislation; and if he does want legislation, then what kind of legislation is it that he desires.

If he does not so indicate to us, then, so far as I am concerned, until I am convinced that there is some damage being done to the economy of this country, and its health and safety are being endangered, which has yet to be proved, I am not about to vote for any bill, or any resolution, which is self-executing and steps in and orders men back to work by action of Congress.

I have decided that I am willing to support the resolution which the committee reported. If I get the opportunity, I shall vote for it, because it does

exactly what I believe should be done, can be done, and the only thing we should do without hazard; namely, to leave to the President, whether in his discretion he is ready to use them or not, the tools that he may use tomorrow, the next day, the next week, or whenever he decides that the public welfare is involved to the extent that he should take action.

In closing, let me summarize to this extent: What I have just said I believe in thoroughly—that that is all we should do and all we ought to do. I also reiterate that if we do more, I, for one, doubt very much if it will prove effective unless the President picks up the ball, affirmatively goes to the country, states the Congress has done the right thing, says he approves the measure putting men back to work, and then appoints a board for action. Unless he does that, the men will not go back to work, because the measure will not bear the respect or prestige to accomplish that end without some real affirmative action on the part of the President of the United States.

That is the reason why I shall not vote for the pending proposals, regardless of my respect for the Members who have supported it.

Mr. PROUTY. Mr. President, shortly I shall move that action on the question be postponed until Wednesday, August 10. I should like to speak very briefly to give my reasons why I think that would be constructive action, but before I do, I suggest the absence of a quorum, and it will be a live quorum.

Mr. MANSFIELD. Mr. President, has the motion been made?

Mr. PROUTY. No.

Mr. MANSFIELD. When does the Senator intend to make the motion?

Mr. PROUTY. After we have a live quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 169 Leg.]

Aiken	Hickenlooper	Nelson
Allott	Holland	Neuberger
Anderson	Hruska	Pastore
Bartlett	Inouye	Pearson
Bayh	Jackson	Pell
Bible	Javits	Prouty
Boggs	Jordan, N.C.	Proxmire
Burdick	Jordan, Idaho	Randolph
Byrd, Va.	Kennedy, Mass.	Ribicoff
Byrd, W. Va.	Kennedy, N.Y.	Robertson
Cannon	Kuchel	Russell, S.C.
Carlson	Lausche	Russell, Ga.
Case	Long, Mo.	Saltonstall
Church	Long, La.	Simpson
Clark	Magnuson	Smathers
Cooper	Mansfield	Smith
Cotton	McCarthy	Sparkman
Curtis	McClellan	Stennis
Dirksen	McGee	Symington
Dominick	McGovern	Talmadge
Douglas	McIntyre	Thurmond
Ellender	Metcalf	Tower
Ervin	Mondale	Tydings
Fannin	Monroney	Williams, N.J.
Fong	Montoya	Williams, Del.
Griffin	Morse	Yarborough
Gruening	Morton	Young, N. Dak.
Harris	Mundt	Young, Ohio
Hart	Murphy	
Hartke	Muskie	

The PRESIDING OFFICER. A quorum is present.

Mr. PROUTY. Mr. President, I wish to assure the Senators who are present that my remarks will be very brief. I shall then ask for a rollcall vote on a motion which I shall subsequently make.

Mr. President, while only a few Senators were on the floor, I pointed out that of the 35,400 members in the Machinists Union, 11,562 did not vote on the question of whether the union should ratify the agreement reached by their negotiators and the air carriers. To put it another way, only 48.7 percent of the union members voted against the contract; 32.6 percent of the eligible voters did not vote.

I noted earlier that the union negotiators requested the President of the United States not to announce a settlement on Friday night. They wanted a chance to contact the leaders of the local unions and explain what was involved in the agreement. The President did not see fit to go along with their request, and he announced the settlement on radio and television around 11 o'clock, I believe. The union members knew that no settlement could be reached without ratification of its terms by them. They did not know what was actually in the agreement, and they were highly incensed. I think a great many of them voted against it because of a certain pique with the President, for the action that he had taken in announcing an agreement on Friday night.

It seems to me, Mr. President, and I have been so informed by union leaders, that a weekend is the worst possible time in which to hold elections, particularly during the summer months, when the membership is enjoying the great out-of-doors. As I have said, 11,562 of the members did not even vote, and that amounts to 32.6 percent of the members involved.

Mr. MORSE. Mr. President, will the Senator yield at that point?

Mr. PROUTY. I yield.

Mr. MORSE. I am glad that the Senator is putting his statistics into the RECORD. However, I do not know what might have been the motivations of those who did not vote. But even if all those who did not vote had voted to approve the agreement, the agreement still would have been rejected, would it not?

Mr. PROUTY. No. No; that is not the case.

Mr. MORSE. I wish the Senator would add it up.

Mr. PROUTY. Forty-eight percent voted against the contract.

Mr. MORSE. How many voted to reject it?

Mr. PROUTY. Some 6,587 voted to accept it. If we combine the number of votes cast to accept the contract with the number of members who did not vote, we have a total of 18,149, which is more than 50 percent of the union membership involved in the dispute.

Mr. MORSE. It is my point of view that when the Senator added those who voted to approve the contract to those who did not vote, he had to assume mathematically that——

The PRESIDING OFFICER. The Senate will be in order. Will the Senator speak a little louder, please?

Mr. MORSE. When the Senator took the total number of those who voted to approve the contract, and added to that figure the number of those who did not vote at all, and the Senator made the assumption that those who did not vote at all would have voted to approve it—which would be an unwarranted assumption—would not the Senator still fall short of equaling the number who voted to reject the contract

Mr. PROUTY. I would have to add up the figures: 17,251 voted to reject the settlement, 6,587 voted to approve it, and 11,562 members did not vote. So if we assume that all nonvoters would have voted to approve the settlement, we must add the 11,562 nonvoters to the 6,587 who voted to approve. Under such an assumption this would result in 18,149 votes in favor of the settlement and 17,251 votes to reject the settlement. So I conclude that the assumption of the Senator is not correct.

Mr. MORTON. Mr. President, will the Senator yield?

Mr. PROUTY. I yield.

Mr. MORTON. I think the percentage of those who voted to reject the contract is in the area of 48.5 percent of the total membership of the union.

Mr. PROUTY. That is correct. My figures show 48.7 percent, but it is in that vicinity.

Now, Mr. President, I have been in touch with quite a number of Members of the House of Representatives, including members of both the minority and the majority parties. They have informed me that they do not believe that the House will not vote for any measure which can be construed as strike-breaking on the part of Congress—in other words, forcing these men to go back to work—unless the President affirmatively requests such legislation and asserts that it is needed in the national interest. They appear perfectly willing to leave it to the discretion of the President in the present circumstances.

The motion that I shall presently make will not mean, in my judgment, that the Senate is shirking its responsibility. It will mean, I think, that we believe that the union and the carriers are close enough together so that, given a few more days in which to negotiate, they may get together and resolve the strike without any action on the part of either Congress or the President. I believe the carriers can make some relatively minor concessions which will enable the union negotiators to send the settlement proposals back to their membership for ratification. I think it will be ratified. I do not make this as a casual statement. I think there is good reason to believe that the union membership will ratify a subsequent proposal which may be made by the carriers.

It seems to me that, rather than have Congress say to the 35,400 IAM members, "You are going back to work, regardless of whether you like it or not," Congress might very well say, "We are granting you a few more days in which to try to get together with the carriers and reach a voluntary settlement through free collective bargaining."

If the parties are unable to do that by Wednesday, I am sure that Congress will then move with expedition to settle the

matter, one way or the other. This is the only way, it seems to me, in which we can save ourselves a great headache. Other major negotiations are coming up. The IUE has announced that it will strike GE on October 3, absent an agreement. What effect will this have on national defense and the war in Vietnam? We can keep Congress out of union negotiations, but we will not do this obviously, if we make it mandatory that the machinists return to work in the present context of this labor dispute.

I feel confident that come next Tuesday or Wednesday night, the strike can be settled without any action taken by Congress.

Mr. JAVITS. Mr. President, will the Senator from Vermont yield?

Mr. PROUTY. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, one of the important things about this motion which the Senator has not mentioned is that the President must now have been impressed with the feeling on the floor of the Senate, at least as to our feeling that he has not affirmatively told us that he does or does not want anything.

It seems to me that normally one would assume that this motion is a means of laying things over and not facing the issue.

I do not think that is so in this case. We should add to the reasons stated by the Senator from Vermont, which can be argued over as they relate to the figures—and they undoubtedly will be argued—the fact that the President has not told us what he wants, and we are entitled to know what he wants.

I think that a vote such as the Senator from Vermont will call for will definitely tell the President that we are looking to him. We have a right to look to him for recommendations. He has not made any recommendations. He has not even told us whether he backs the Attorney General who says that the committee bill is unconstitutional. The President has not confirmed that statement or anything else.

It seems to me that this has gone on long enough. It is a serious matter. It seriously concerns and inconveniences many people in all parts of the country.

Big things are involved here. The Senator from Vermont may very well be offering us the only way in which we can protest the fact that we have been left alone in this matter—notwithstanding executive responsibility—without any opinion from the President.

The President is the man who mediated and authorized the attempted settlement. It failed to settle the strike.

I think that the Senator from Vermont may be giving us a touchstone to let the President know how we feel about this.

Mr. PROUTY. Mr. President, I thank the Senator very much. He made an extremely important point, with which I am in complete agreement. I have emphasized that point in my earlier remarks. If the President had sent recommendations of any kind to Congress concerning whether we should or should not legislate, I am sure Congress would have pursued the matter. I believe Congress would have supported the President, and we would not find ourselves divided as we are this afternoon.

We have not heard from the President. The committee invited representatives from the Defense Department, the Post Office Department, the Commerce Department, and of course, the Labor Department. However, at the discretion of the administration, it was determined that Secretary Wirtz was to be the only administration witness and act as its spokesman.

I am certain that Senators who have taken the time to read the transcript of our hearings, or who sat in on the committee hearings, have become just as frustrated as did every member of the committee, including members of both the majority and minority parties.

There is, in my judgment, an opportunity to settle this strike without congressional action.

If such is not the case, then certainly we can start next Wednesday, perhaps with a Presidential recommendation, and work with all deliberate speed to take care of this situation.

Accordingly, Mr. President, I now move that all action on the pending resolutions be postponed until Wednesday, August 10.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROUTY. I yield to the Senator from Wisconsin.

Mr. NELSON. Mr. President, I am going to vote for the motion because I am happy that the Senator has come around to the viewpoint of the Senator from New York [Mr. KENNEDY], the Senator from Massachusetts [Mr. KENNEDY], and the other members of the committee who have argued, last week and on Monday, that a settlement could be negotiated and that collective bargaining had not run its full course.

I am very happy to have the Senator endorse the position that a group of us in the committee took last week and on Monday. I think it is the proper approach toward a solution of this issue.

Mr. PROUTY. Mr. President, I thank the Senator. I have been sympathetic to his position at all times.

I assume that the majority leader will move to table my motion.

Mr. MANSFIELD. I will.

Mr. PROUTY. I am sorry that the majority leader will take that course of action because, in my judgment, my motion would have wide appeal on a vote on the merits which will not be reflected on a procedural motion to table it.

Mr. DIRKSEN. Mr. President, let me address myself——

Mr. MANSFIELD. Mr. President, may there be order?

The PRESIDING OFFICER. I ask the attachés to proceed to the rear of the Chamber.

Mr. MANSFIELD. Mr. President, I ask that the Chamber be cleared. It is getting so that one cannot walk across the aisle without running into attachés.

I ask that the Chamber be cleared of all except those who have necessary business here.

The PRESIDING OFFICER. The Sergeant at Arms will clear the Chamber of all attachés.

The Senator from Illinois may proceed.

Mr. DIRKSEN. Mr. President, I trust the motion to postpone will not prevail.

The President has run out of authority under the Railway Labor Act. He has exhausted his authority.

Both sides to the controversy have confessed that further bargaining at this time is just a fruitless and an abortive endeavor.

What do we do now? Do we sit here rather supinely and permit this condition to prevail and try to shift the onus to another branch of the Government?

I thought the legislative branch had some responsibility. The state-of-the Union clause in the Constitution says that the President shall make recommendations to Congress from time to time. It does not say that Congress has no authority to initiate legislation on its own.

It was not by accident that the legislative branch was incorporated in article I of the Constitution, because it is the central power of the Government on which everything rests.

Are we going to do as has been done in other days? Eighteen years ago, I served in the 80th Congress. What did Mr. Truman have to say about us? He put a tag upon that Congress. He said it was a do-nothing Congress. And it stuck.

What do we want them to say about us now in the country—that we have no guts? Do we want them to say that we have no courage, that all we do is to show the white feather when there is a controversy and some votes are involved? Is that what we are going to do? Does that improve the image of Congress in the country?

Mr. President, I will not go back and make that kind of confession to the people in the State of Abraham Lincoln. He stood up to whatever the controversy was.

Now, the Mediation Service was asked to act 7 months ago. Both sides applied for mediatory service.

This is not something that transpired overnight. The issue has been before the country. It has been before the Board. It has been before Congress. It continues on and on and on.

As I said this morning, perishables perish, whether they are chickens, little turkey poults, or whatever they may be.

For all I know—and I get it on pretty good authority—bodies are in San Francisco. These bodies cannot be shipped back to their families for interment because transportation is not available.

Replacement parts of sensitive items cannot be delivered to the industrial plants of the country because there are not vehicles or transportation to properly do the job.

In the face of that situation, are we going to quibble semantically as to whether it is an emergency situation or a national emergency, or whether one side or the other has dubbed it so? Everybody can see for himself.

This morning, a food purveyor to the airlines—he happens to be a good Republican—said that it is costing him $10,000 every day. We do not know how to measure the damage done by this situation right now. So the damage rolls on and on, like a cyclonic wave, and we would sit here and say, "Postpone, postpone; let's drift; let's dawdle," when we have a responsibility? No; not I. I am not going to make that confession to the country.

I shall lament the day when the Senate will say, "Oh, we will take our time, another 6 days, and then maybe it will all juxtapose itself, everything will be sweetness and light, discord will become harmony, and so the problem will solve itself." The problems in a complex society do not solve themselves, and there must be something more than that.

So much, Mr. President, for the motion to postpone. But what about the substitute? I hope the substitute will be accepted by the Senate—I mean the first one on which we shall vote. Some say this is breaking a strike. Well, bless you all, the Railway Labor Act has been on the books since 1926, and the format for sending them back to work has been on the books that long. All we would do here is to reinstate it because it has run out. The time period has run out. We do not add anything to it.

Some talk about strikebreaking. I think it is sheer nonsense to talk to the Senate in that fashion, when that formula was developed 40 years ago and it is here before us today, and successive Senates have worked their will upon it and added to it from session to session to session. Every time it was amended and approved, that meant that just another Congress, just another Senate had approved the format under which we have lived and which has been so generally accepted.

I have said that the power of the President has been exhausted under that act. All that is left is mediation. If they will not go back, if they say it is fruitless, if the President has no further power, what do we do—sit here and fold our hands and twiddle our thumbs? That is the impression that would be given to the country. I will not do that.

No; not for me. I will not demean the image of the U.S. Senate.

The distinguished Senator from New Hampshire [Mr. COTTON] said: "Just give him the tools." What are we doing here, except to give the President the tools? First, we reinstate the labor act provision in the first section of the substitute. It sends them back to work. But in the second section, it puts upon the President the affirmative power, a duty or authorization, to appoint a disputes board. We do not say he shall. I suggest that Senators look at the language before them. It says that he is authorized.

Suppose he does not do so? The whole business falls. That is the end of it. Then let them pick up the broken pieces, if they will. That is what we meant by sharing the responsibility. Then, after the 30 days, they have 60 days more. Before it can be made effective for a second extension, we say that the President has to issue an Executive order to make it good. Part of the responsibility for him, and part of it for us.

One would think that we were not a coordinate branch of government, the way we have been talking here about putting the monkey upon somebody's back. One does not talk that way in an hour of pain and agony for the country, and there is plenty of it.

I can think of States where the impact of this strike is not felt. But what about Los Angeles, San Francisco, Indianapolis, Columbus, O'Hare Field in Chicago, La Guardia Airport and Kennedy Airport in New York? Think of the people who sit there, who call up, who hope that they can get someplace to calm the brow of a sick person or to be at the last rites for somebody where the spirit has been spent. Oh, think of all the things that enter into it.

So, we have to get the machines into the air and get the men back to work. We provided for it 40 years ago. We only reinstate it now and say, "All right, the President thinks the Board should not be appointed. That will be the end of it. And then we can worry about the rest of it." But those are the tools that we provide here. So let nobody say that we have not put in the tools.

It has been said that we are aiming at one strike. What did we do when the railroaders were prepared to strike? Six hours before the strike deadline, the late, beloved President John F. Kennedy signed that bill into law. What did we call it? We raced up and down the hall and we said, "It is an ad hoc bill."

I do not care about these strange phrases that creep into our language. What does "ad hoc" mean? For this only. You Latin students know what it is. For this dispute only. It was not to make a precedent. So we said, "It is ad hoc." That is a good way to get off the hook, when you get on the platform and say, "Oh, ladies and gentlemen, this was just ad hoc." That was ad hoc, too. We got over it very safely and very nicely; and as a matter of fact, I do not think that we set a precedent.

This is ad hoc, too. Do not fall for the argument that it is an attempt to break a single strike. We are attempting to get an essential segment of the transportation of this country back in order again, so that the economy can thrive and so that people can be served. That is the whole story.

I trust, therefore, that the motion to postpone, which will convey anything but a proper Senate image to the people of the country, will fail. I believe that the Morse substitute is a good piece of work. It has on it the two leaders. Four out of our six members of the Committee on Labor and Public Welfare are on it, and I do not think one could sell them that kind of goods, with all the experience they have had, unless they felt that the substitute was pretty good. Ten of my own members are on that substitute, and that is enough for me.

So, may the motion to postpone be roundly defeated, to establish to the country that we have not lost our guts, we have not lost our drive, we have not lost our sense of perspective and our place in the governmental scheme. And then let us vote up the substitute and accept our share of the responsibility.

I yield the floor.

Mr. PROUTY addressed the Chair.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Vermont [Mr. PROUTY].

Mr. PROUTY. Mr. President, it is hard to compete with my esteemed colleague, the Senator from Illinois [Mr. DIRKSEN] oratorically. I would remind him, however, that only last Tuesday, a general consensus of Republican Senators reflected the feeling that the President should assume responsibility for this matter unless and until he was ready to advise Congress that a national emergency exists or that legislation is essential to protect the public interest. I believe that the Senator from Illinois will have to agree with me that this statement is correct.

I think we should recall that the late President Kennedy, when confronted with the railroad strike, asked for legislation. He did not say that there was no need for it and that Congress should take action with a recommendation from the President. At that time, President Kennedy sent a message to Congress, and said he must have legislation to avoid a national emergency.

We can talk about the business concerns affected by the strike. Unfortunately, they are. But so are 35,400 labor men and their families involved in the strike as well as the issue of breaking a strike not involving the public interest. I think that these should be considerations as well.

I am disappointed in this union. I think it has been wrong in taking such an adamant position. I have said so publicly and repeatedly. I think that its judgment in this matter leaves much to be desired.

But I also think that this motion which I have made will hasten and bring about an end to the strike. I think that will be the end result.

I cannot understand my leader defending the President for not making recommendations, or for not sending recommendations to the Congress. I think that that is his responsibility and not the responsibility of any Member of Congress. I am disappointed and shocked. I do not like it at all.

The President has had ample opportunity to make his views known through the Secretary of Labor and other officials of the administration.

The President has refused to take the position that he wants Congress to assume the burden. I am as convinced as anyone could be that, should the Senate adopt the substitute amendment, the House of Representatives will never adopt it.

Mr. MANSFIELD and Mr. DOMINICK addressed the Chair.

Mr. PROUTY. Mr. President, I yield to the Senator from Colorado [Mr. DOMINICK].

Mr. MANSFIELD. Mr. President, I have the floor. I desire to make a motion to table the pending motion to postpone. I do not mind yielding once or twice more for very short periods of

time, but I do not intend to yield to the entire Senate and thus frustrate the purpose of my motion.

Mr. CLARK and Mr. DOMINICK addressed the Chair.

Mr. MANSFIELD. I yield to the Senator from Pennsylvania.

Mr. CLARK. Mr. President, as the floor manager of this measure, I wish to say that I feel the Senate has the responsibility to pass on the two measures before it. I hope that the motion of the Senator from Vermont [Mr. PROUTY] will be defeated.

Mr. DOMINICK. Mr. President, I wish to say for the RECORD that the Senator from Vermont referred to 35,400 machinists.

There are, according to the testimony, between 36,000 and 37,000 other employees who have been put out of work, at a time when they want to continue in operation. They are just as important as others.

Mr. MANSFIELD. Mr. President, I would hope that the Senate would defeat the motion made by the Senator from Vermont [Mr. PROUTY].

I agree with my distinguished colleague, the minority leader, that there is such a thing as prestige and dignity attached to this body. I do not want to see the Senate march up the hill, and march down the hill, only to march up the hill again next Wednesday.

We have had 3 days of debate on this matter. It has become so repetitious that some of us could give the various speeches by heart.

I have heard Members say that they know what the labor union would do if we wait until Wednesday; what the carriers would do if we wait until Wednesday; what the other body would do if we wait until Wednesday. I think we have waited too long already to know what the Senate will do.

I have no pipelines, but I do have a sense of responsibility to this body. I hope the Senate will face up to its responsibility and vote down this motion to postpone; it has no business in this body after the debate we have gone through. If we do not vote it down the Senate will look ridiculous and I think it will look so deservedly.

Mr. President, I move to table the motion of the Senator from Vermont.

Mr. PROUTY. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] to table the motion of the Senator from Vermont [Mr. PROUTY].

Mr. DOUGLAS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. DOUGLAS. Mr. President, is the vote on the motion to table, or on the Prouty motion?

The ACTING PRESIDENT pro tempore. The vote is on the motion of the Senator from Montana [Mr. MANSFIELD] to table the Prouty motion.

(At this point, Mr. TYDINGS assumed the chair.)

The legislative clerk called the roll.

Mr. METCALF (after having voted in the negative). On this vote I have a pair with the Senator from Alabama [Mr. HILL]. If he were present, he would vote "yea." I would vote "nay." I therefore withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Arkansas [Mr. FULBRIGHT], and the Senator from Tennessee [Mr. GORE] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], and the Senator from Utah [Mr. Moss] are necessarily absent.

I further announce that, if present, and voting, the Senator from Mississippi [Mr. EASTLAND] and the Senator from Connecticut [Mr. DODD] would each vote "yea."

On this vote, the Senator from Maryland [Mr. BREWSTER] is paired with the Senator from Tennessee [Mr. GORE].

If present and voting, the Senator from Maryland would vote "yea" and the Senator from Tennessee would vote "nay."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Iowa [Mr. MILLER] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Pennsylvania [Mr. SCOTT] would vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Iowa [Mr. MILLER]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Iowa would vote "nay."

The result was announced—yeas 66, nays 21, as follows:

[No. 170 Leg.]

YEAS—66

Allott	Hruska	Pell
Anderson	Inouye	Randolph
Bayh	Jordan, N.C.	Ribicoff
Bible	Jordan, Idaho	Robertson
Boggs	Kennedy, N.Y.	Russell, S.C.
Byrd, Va.	Kuchel	Russell, Ga.
Byrd, W. Va.	Lausche	Saltonstall
Cannon	Long, Mo.	Simpson
Carlson	Long, La.	Smathers
Church	Mansfield	Smith
Clark	McClellan	Sparkman
Curtis	McGovern	Stennis
Dirksen	McIntyre	Symington
Dominick	Monroney	Talmadge
Ellender	Montoya	Thurmond
Ervin	Morse	Tower
Fannin	Mundt	Tydings
Fong	Murphy	Williams, N.J.
Griffin	Muskie	Williams, Del.
Harris	Neuberger	Yarborough
Hickenlooper	Pastore	Young, N. Dak.
Holland	Pearson	Young, Ohio

NAYS—21

Aiken	Gruening	McCarthy
Bartlett	Hart	McGee
Burdick	Hartke	Mondale
Case	Jackson	Morton
Cooper	Javits	Nelson
Cotton	Kennedy, Mass.	Prouty
Douglas	Magnuson	Proxmire

NOT VOTING—13

Bass	Fulbright	Miller
Bennett	Gore	Moss
Brewster	Hayden	Scott
Dodd	Hill	
Eastland	Metcalf	

So Mr. MANSFIELD's motion to lay on the table Mr. PROUTY's motion to postpone was agreed to.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate, I am about to make a unanimous-consent request which I hope will meet with this body's approval.

I ask unanimous consent that on the Morse substitute, there be a time allocation of 1 hour, one-half of the time to be controlled by the manager of the bill, the distinguished Senator from Pennsylvania [Mr. CLARK], or whomever he may designate, and the other half to be controlled by the distinguished Senator from Oregon [Mr. MORSE], or by whomever he may designate.

The VICE PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and it so ordered.

Mr. MORSE. Mr. President, I yield 5 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. JAVITS. Mr. President, the Senate has now made it clear that it does not wish to defer this matter and await a recommendation from the President—which, unhappily, unfortunately, and I think tragically for the proposed legislation, the Senate does not have.

Under those circumstances, I think that the greatest common denominator—and this is the only thing which I have tried to architect—as between the President and Congress, from everything we can divine and glean from the administration's position, is the Morse substitute.

I say that because the substitute parallels in every aspect of the Railway Labor Act, which itself prevents a strike. The Morse substitute is drafted as closely as humanly possible to continue exactly what is in the Railway Labor Act in every detail.

With all due respect to those who have so passionately argued approaching it through the method of the Senator from Oregon—that is, by Congress acting in the first instance—or through the method of the Senator from Pennsylvania [Mr. CLARK], to wit, giving the President full authority, I think we have really come now to the point that lawyers call de minimis. I think I represent this to the Senate as my honest judgment, that now it really does not matter at all, and whatever may be the prides involved on the various sides, they certainly are not substantive, when we provide for a return of only 30 days, operative when the President signs the measure. Having brought the period down to 30 days—which we have done—it certainly indicates that when the President signs it, he will be ordering the return as much as Congress when it passed the resolution.

The idea that the President, in some secret chamber of his mind, may think it is one thing to sign a bill and another thing to sign an Executive order for 30 days, is not sound. He could keep it on his desk for a week, and it could take the workers another week to return to work.

So it seems ridiculous to argue that the President when he signs the resolution is not as operative a factor as is the Congress when it passes the resolution.

In my vote for the substitute, this is how I feel about it.

This is not a victory for the Morse theory, with all respect to my colleague from Oregon. His original theory was that we needed a big block of time. As a matter of fact, under the Morse substitute, the President has a brief amount of time. We have come now to providing a 30-day period. I do not see how it could be said that he has much time to act within that 30-day period. The President has to perform two acts. First, he must sign the resolution. Then he must issue an Executive order to make it operative for beyond 30 days. So I do not understand the argument which has been made.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. I yield myself 2 additional minutes, with the approval of the Senator from Oregon [Mr. MORSE].

The PRESIDING OFFICER. The Senator from New York is recognized for 2 additional minutes.

Mr. JAVITS. I think we have gotten down to the point of whether we do anything in this matter or do not, and whether we do something—and this is strange coming from me on the minority side—which accords the President's views dignity and respect.

Again evaluating the record that we have before us and what Secretary Wirtz has had to say, it seems irrefutable that the so-called Morse approach, which we have in effect cut down to de minimis, is preferable to the Clark approach, which gives him, the President, the authority to use it immediately.

For whatever reason, whether the President is worried about a national emergency or whether he does not want to offend the union, it is immaterial at this point. The fundamental point is this. It is my distinct judgment on the record, on what Secretary Wirtz has said, on the opinion of the Attorney General on the constitutionality of the Clark approach, that the President prefers the Morse trigger. So in an effort to meet that desire, by providing that the President may extend the period which, after 30 days, expires unless the President acts, and then in 60 or 90 days it again expires unless the President acts, it gives the President complete discretion.

I understand the argument of the Senator from Rhode Island [Mr. PASTORE] in seeking to pin on anyone who backs the substitute the label of strikebreaker. I have been through that before. It was charged against me in the medicare bill, when I teamed up with the Senator from New Mexico [Mr. ANDERSON]. I was charged at that time with voting against a liberal measure. As the Senator from Michigan [Mr. HART] will confirm, the label on a package is not conclusive as to its contents.

The measure before us is not a strikebreaking measure. It is a resolution to prevent a strike, and provides a time limit within which that prevention may take place. It does not inhibit the employees in their right of collective bargaining. Under the substitute we are coming to a point, completely compatible with safeguarding the public interest, of proposing a measure which is designed, so far as we can divine the views of the administration, to protect the public interest.

To me it is a fair solution in a case where the Senate has said we must act. It has passed the constitutional point the Attorney General raised. It reaches, to some degree at least, so far as we can divine, what the President desires.

Therefore I hope that the proposal prevails.

Mr. LAUSCHE. Mr. President, will the Senator yield some time to me?

Mr. JAVITS. I yield 2 minutes to the Senator from Ohio.

Mr. LAUSCHE. Mr. President, concerning the gravity of the stoppage in airline service, I want to repeat what I said yesterday; namely, that the strike affects 62 percent of U.S. airline passengers and 70 percent of the airmail service.

The stoppage of the airline service has affected 231 cities in the United States and 23 foreign countries.

Each day 150,000 passengers and 4,100 flights are affected.

Seventy cities have been denied all airline service.

In my judgment, the stoppage of the air transportation service does affect the national interest and calls upon the U.S. Congress to act to bring the stoppage to an end.

There has been considerable discussion about the fulfillment of official responsibility. In my thinking, the President has a responsibility. The Congress likewise has its obligation.

It would have pleased me much more if the President had communicated to the Congress what he wanted us to do. For one reason or another, he failed to do it. That brings us to the question whether his failure should operate as an inducement for Congress to likewise fail in our responsibility.

The PRESIDING OFFICER. The 2 minutes of the Senator from Ohio have expired.

Mr. LAUSCHE. May I have 2 additional minutes?

Mr. MORSE. I yield the Senator from Ohio 1 minute.

Mr. LAUSCHE. In my opinion, performing our responsibility is the principle that should apply in the disposition of the resolution before the Senate. Flee not from thy obligation. Perform it. Not to act at this time would be a cowardly flight from the responsibility which we owe to the people of our country.

In my judgment, the President has hurt himself. If we fail to act, we will hurt ourselves and definitely despoil the image of the Senate and of the Congress.

I thank the Senator for yielding to me.

Mr. CLARK. Mr. President, I yield 10 minutes to the Senator from Illinois [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. President, I shall be compelled to vote against the Morse amendment, because while I regard the present airlines strike of the mechanics to be a grave inconvenience to that section of the public which travels by air, it is not a sufficient emergency to justify interfering with collective bargaining and the right to strike.

The testimony is pretty clear that travel by air comprises only 5 to 6 percent of the passenger traffic moving between cities, and that 40 percent of the air traffic is still moving. American Airlines, fortunately, is still moving; certain other national lines are moving; and the feeder lines are moving. So I think we can say that, at most, around 4 percent of intercity traffic is being prevented by the strike.

The railways are still moving. The buses are still moving. The truck lines are still moving, and the vast volume of intercity traffic is still moving. It is a very different situation from that of 20 years ago, when the railways were virtually the sole means of intercity communication, and when a strike was threatened which would have tied up every railway in the United States. I think it is abundantly clear that while this present strike is both a nuisance and an inconvenience, and certainly is such to those of us who have to travel back and forth a considerable distance, it is not yet of such a sufficiently grave nature as to justify interference with the right to work or not to work.

There has been very little discussion of the substantive issues which now separate the parties. As I understand it, the representative of the lines, now admits that the airlines are able to meet the present added demands of the rank and file. Mr. Curtin was reported by the press as having said on Monday that the question of ability to pay was not involved. This will be shown in the tables and materials on profits which I am submitting at the end of my address. What he said was involved was the question of national policy. Let me discuss that briefly, if I may.

I have been studying through the financial manuals what has been happening to the net income, after taxes, of the various companies; and I should like to state some of the figures. In 1960, the net income after taxes of United Air Lines was $8,487,000. In 1965, it was $38,827,000. The figure for TWA was minus $321,000 in 1960. It is up, in 1965, to a plus of $22,820,000. Northwest Airlines had earnings of $1,230,000 in 1960—this is net income after taxes—and in 1965, of $24,830,000. National had a deficit of $5 million in 1960. Its earnings were up to $18,419,000 in 1965.

Eastern, which has had the poorest earnings record of any of the so-called big five perhaps partially because of a previous strike, lost $3,700,000 in 1960; but in 1965 it made $21,348,000.

Let me read the percentage earnings on investment of the five lines in 1965: Eastern, 11.1 percent; National, 19 percent; Northwest, 19 perecnt; TWA, 10.3 percent; United, 9.4 percent.

In the first 6 months of this year, there has been a tremendous increase in the volume of traffic. Revenue passenger miles for the first 5 months of this year, for Eastern, were 15 percent above last year's corresponding period; for National, 23.6 percent above; for Northwest, 27.4 percent above; for TWA, 22.2 percent above; and for United, 30.3 percent above. These figures are all taken from the records of the CAB.

The net income figures, except for TWA for the first 6 months of this year have not been filed, and will not be filed, I think, until the 10th of August. But we telephoned to the CAB this morning, and the net earnings figures for TWA, for the first 6 months were up 22 percent. I predict that the other lines will show similar increases.

Mr. CLARK. Over what year, sir?

Mr. DOUGLAS. Over the first 6 months of last year. And we have witnessed, of course, a tremendous increase in the price of the stocks of these airlines. I will supply the figures for the RECORD. I can say that the increases in stock prices have really been great. For Eastern, on August 4, 1964, the price was 30 and a fraction. On the 4th of August 1966, the price was 99. For National, the price in 1964, on the 4th of August, was 51. Then the stock was split 2 for 1 on the 9th of November 1965, but it is still selling today for 80.5, or an equivalent of 161 on the old basis.

For Northwest, the price was 56.5 in 1964 and 111.75 on the 4th of August 1966.

TWA has gone up from 41 to 85.

United has gone up from 48 to 62 and a fraction, but once again, there has been a 2-for-1 split, so that, on the old basis, that would be 125.5, or almost three times the price on the corresponding date in 1964.

In other words, the airline business is now a very profitable venture. It is true then, prior to 1964, the profits were low and in some cases nonexistent. This was particularly true of Eastern. In table 1, I give the whole story from 1960 on. I shall not go into the question as to whether or not the rank and file of the union membership were wise in turning down the proposal that was made to them. As I understand it, the chief point of difference now is the cost-of-living clause, as to whether that should be included in the base as a so-called escalation clause. There is no doubt that the companies would be able to meet not only the increased wages of labor, but also the pension demands of labor. And so far as the cost-of-living clause is concerned, there is every indication that they would be able to meet that.

I should like to point out, if I may, that the so-called guideline for wage increases being limited to 3.2 percent a year is based on physical productivity and constant price levels. It is said that if we can keep the labor cost per unit produced constant, and increase labor costs per hour only in correspondence with the increase in output per hour, then we can keep prices constant. In general, I approve of that standard. But the point is that the cost of living has to be constant.

The increase in the productivity of wage labor per man-hour, in manufacturing, at least, has averaged somewhat above 3.2 percent. It was 1.4 percent for 1960 over 1959; 4.6 percent for 1961 over 1960; 3.2 percent for 1962 over 1961; 4.4 percent for 1963 over 1962; 4 percent for 1964 over 1963; and 5.1 percent for 1965 over 1964. I show this in tables.

Mr. President, I ask unanimous consent to include at the conclusion of my remarks, an article from Fortune magazine and also tables showing the operating profits of five airlines.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 and 2.)

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CLARK. Does the Senator wish more time?

Mr. DOUGLAS. I ask that I might have 2 or 3 more minutes.

Mr. CLARK. I yield 3 additional minutes to the Senator from Illinois.

Mr. DOUGLAS. I thank the Senator.

In short, as far as manufacturing is concerned, labor productivity per man-hour has gone up recently more than the 3.2 percent provided in the guideline. If we take society as a whole, and deflate the gross national product by the total number of employees the increase is less. But on the whole, labor in manufacturing has performed by a high standard of increase.

The cost of living has gone up somewhat—not as much as many of our Republican friends say, but it has increased.

Let me put this question before the Senate: Suppose productivity per man-hour goes up by 3.2 percent, and wages are increased, in money terms, 3.2 percent, but the cost of living goes up 3.2 percent. That means there is no increase in real earnings for the workers during this period that their productivity has advanced, and the result, of course, inevitably, is no increase in real earnings despite the increase in output. The result is a great increase in corporate profits and this is shown in the recent annual current corporate figures. The corporate profits after taxes increased from $26.7 billion in 1960 to $44.5 billion in 1965 and to an annual rate of $48.7 billion in the first quarter of 1966. This would be an increase of $22 billion or approximately 80 percent. This is the most serious source of imbalance in the economy.

I think this has produced a very dangerous imbalance in our society. It has also been fed by the 7-percent investment credit which is really a 14-percent reduction in taxes. While I will not pass judgment as to whether or not the rank and file of the airplane maintenance branch of the Machinists Union should have rejected the offer, I can say that I think they had good, sound reasons which they might use to justify their position.

The right to strike and to leave work should be a very important value in American life. It is not something to be trifled with. If we make an exception in this case, we will be led to make exceptions in many other cases. If the broad language of these provisions is approved, they will be called upon again and again. We would be opening Pandora's box.

This would not only be unjust, but it would also lead to further dangerous precedents. We cannot regulate wages by prohibiting strikes, in all fairness, unless we go on and then regulate prices and profits. For by prohibiting strikes, we take away one of the chief weapons of labor and tilt the balance of power in favor of the employers.

This would inevitably lead to a control of American industry by Government that in the long run would be extremely dangerous. In an allout war we would have to do this. But we are not yet in this situation.

I will therefore vote against the Morse amendment or against any amendment which would take away the right to strike, a right which I regard as a basic right to be denied only in the gravest national emergency. Such a grave national emergency, in my judgment, does not present itself at the present time. And in its absence it would be a grave error to force large numbers of men to work against their will.

EXHIBIT 1

TABLE 1A.—*Operating profits of 5 airlines (operating profits equal operating revenues minus operating expenses—CAB records)*

[In thousands of dollars]

	Eastern	National	Northwest	TWA	United
1960	−5,866	−6,881	1,985	−883	9,429
1961	−25,195	−456	1,119	−24,187	6,560
1962	−17,203	14,004	8,239	−7,390	14,846
1963	−30,888	9,407	12,436	17,521	27,282
1964	4,580	22,048	28,906	50,892	45,037
1965	30,838	37,085	46,383	49,781	72,305

TABLE 1B.—*Net income before taxes (includes operating profit plus capital gains or loss minus interest and other nonoperating revenues or expense)*

[In thousands of dollars]

	Eastern	National	Northwest	TWA	United
1960	−7,846	−4,950	1,906	−1,167	11,076
1961	−28,530	−2,133	−639	−37,858	40
1962	−19,060	11,626	4,822	−21,790	5,626
1963	−37,946	7,790	10,443	661	19,393
1964	−3,880	18,484	28,338	36,008	37,371
1965	21,348	34,568	46,730	37,369	64,196

TABLE 1C.—*Net income after taxes not including special taxes*

[In thousands of dollars]

	Eastern	National	Northwest	TWA	United
1960	−3,701	−5,007	1,230	−321	8,487
1961	−14,971	−2,109	83	24,996	703
1962	−14,425	7,498	2,520	−12,499	3,348
1963	−37,392	4,729	5,057	576	10,451
1964	3,880	11,130	14,616	19,419	22,963
1965	21,348	18,419	24,830	22,820	38,827

TABLE 2A.—*Return on investment*

[Percent]

	Eastern	National	Northwest	TWA	United
1960	+0.69	−3.34	+4.51	1.78	+5.12
1961	−1.21	+.40	+3.39	−3.82	+2.90
1962	−2.61	+14.17	+6.19	+1.61	+3.54
1963	−13.43	+9.45	+8.78	+6.28	+4.91
1964	+2.69	+15.57	+15.86	+11.03	+7.40
1965	+11.1	+19.2	+19.3	+10.3	+9.4

TABLE 2B.—*Actual total investment*

[In thousands o. dollars]

	Eastern	National	Northwest	TWA	United
1960	245,918	28,072	75,652	162,606	329,933
1961	251,219	63,816	92,876	280,302	425,238
1962	253,776	73,213	98,923	299,792	466,249
1963	218,554	82,547	92,325	295,743	428,826
1964	256,379	89,446	105,481	327,777	465,423
1965	293,592	110,839	139,485	372,366	562,048

TABLE 3A.—*Revenue passenger-miles for domestic scheduled service*

[In thousands of miles]

	Eastern	National	North-west	TWA	United
1966: 1st 5 months	3,208,278	1,337,580	1,185,297	3,363,717	5,037,170
1965: 1st 5 months	2,785,689	1,082,239	930,091	2,753,215	3,866,210
Increase of 1st 5 months of this year over 1st 5 months of last year	422,589	255,341	255,206	610,502	1,170,960
Percent increase	15.1	23.6	27.4	22.2	30.3

TABLE 3B.—*Revenue ton-miles for domestic scheduled service*

[In thousands of miles]

	Eastern	National	North-west	TWA	United
1966: 1st 5 months	358,175	14,525	141,158	413,569	626,987
1965: 1st 5 months	298,736	18,579	110,616	336,528	475,873
Increase of 1st 5 months of this year over 1st 5 months of last year	59,439	----------	30,542	77,041	151,114
Percent increase	19.9	27	27	22.9	31.8

NOTE.—CAB records: There may be a slight error in the 1965 figures for National.

TABLE 4.—*Closing stock prices on Aug. 4*

	Eastern	National	Northwest	TWA	United
1964	30⅜	51	56½	41⅜	48½
1965	56	[1] 83	83½	43	71
1966	99	80½	111¾	85¼	[2] 62¾
1966 (June 30)	104⅛	84¼	113½	89⅝	64

[1] National stock was split 2 for 1 on Nov. 9, 1965.
[2] United stock was split 2 for 1 on Apr. 29, 1966.

TABLE 5.—*Net income after taxes, percent increase from 1963 to 1964 and 1963 to 1965*

	National	Northwest	TWA	United
1963 to 1964	135.4	189	3,271	119.7
1963 to 1965	289.5	391	3,861	271.5

NOTE.—Eastern, 450.2 percent increase from 1964 to 1965.

TABLE 6.—*United Airlines payments to workers (Bureau of Labor Statistics)*

Average payment per hour	Percentage increase over 1959	Top hourly rate for mechanics	Percentage increase over 1959
Dec. 1, 1959: $2.66	----------	$2.98	----------
Dec. 1, 1960: $2.80	5	3.13	5
June 1, 1962: $2.93	10	3.25	10
June 1, 1963: $3.04	14	3.33	12
June 1, 1964: $3.16	19	3.43	15
Jan. 1, 1965: $3.25	22	3.52	19

Average fringe payments per hour to workers on United Airlines (fringe payments equal vacation pay, holiday pay, health and welfare fund, pension, and all social security payments)

Average payment per hour	Percentage increase over 1959–60	Top hourly fringe payments	Percentage increase over 1959–60
1959 to 1960: 64 to 67.5 cents	----------	72 to 75 cents	----------
1960 to 1962: 67.5 to 75 cents	12	75 to 83 cents	12
1962 to 1965: 75 to 90 cents	20	83 to 97 cents	20

TABLE 7.—*Increases per man-hour of wage-workers in manufacturing, 1959–65*

Year	Index of production, manufacturing industry (1959=100) (1)	Production workers, manufacturing industry (2)	Average hours per week, manufacturing industry (3)	Man-hours per week [1] (4)	Index of man-hours (1959=100) (5)	Index of man-hour productivity [2] (6)	Percentage change from preceding year (7)
		Millions		*Millions*			
1959	100.0	12.237	40.3	493.15	100.0	100.0	----------
1960	102.7	12.586	39.7	499.66	101.3	101.4	1.4
1961	103.4	12.083	39.8	480.90	97.5	106.0	4.6
1962	112.0	12.488	40.4	504.41	102.3	109.5	3.2
1963	117.8	12.558	40.5	508.60	103.1	114.3	4.4
1964	125.6	12.808	40.7	521.29	105.7	118.8	4.0
1965	136.7	13.108	41.2	540.05	109.5	124.8	5.1

[1] Col. (2) × col. 3.
[2] Col. (1) + col. (5) × 100.

Sources: (1) Board of Governors of the Federal Reserve System. An index of physical quantity of output, based on the 1957 Standard Industrial Classification, published on base 1957–59=100, changed proportionately to base 1959=100. (2) Bureau of Labor Statistics. Production workers comprise working foremen and all nonsupervisory workers (including trainees). (3) Bureau of Labor Statistics.

TABLE 8.—*Consumer price indexes, the United States and other industrial countries, 1958–65*

[1958=100]

	1959	1960	1961	1962	1963	1964	1965
Austria	101	103	107	111	114	119	125
Belgium [1]	101	102	103	104	106	111	115
Canada	101	102	103	104	106	108	111
Denmark [1]	102	103	107	115	122	126	134
France	106	110	114	119	[2] 105	108	111
Germany (West)	101	102	105	[2] 108	111	114	118
Italy	100	102	104	109	117	124	129
Japan	101	105	110	118	127	132	142
Netherlands [4]	102	103	105	108	113	119	126
Norway	102	102	105	111	114	120	125
Sweden	101	105	107	112	115	119	125
Switzerland	99	101	103	107	111	114	[5] 119
United Kingdom	101	102	105	110	112	115	121
United States [6]	101	102	103	105	106	[5] 107	109

[1] Excluding rent.
[2] 1962=100 for years 1963–65.
[3] Including the Saar for years 1962–65.
[4] Excluding compulsory social insurance and wage tax.
[5] Provisional.
[6] Including Alaska and Hawaii for years 1964–65.

Source: United Nations, Monthly Bulletin of Statistics.

EXHIBIT 2

[From Fortune magazine, February 1966]

QUESTIONS ABOUT AIRLINES

The airline stocks, which in recent years have been one of those "turnaround situations" Wall Streeters dream about, are now enveloped in large uncertainties. The airlines are uncertain about the profits the Civil Aeronautics Board will allow them to earn. They are uncertain about the direction of their own costs (including their taxes). Most of all, they are uncertain about their ability to generate enough new traffic so that operating rates in their expanding fleets remain profitable.

Meanwhile, their stockholders have nothing to compain about. Eastern Air Lines, which had lost $72 million in 1960 through 1963, and whose stock was below 30 during much of that period, recently got as high as 98. The stocks of most other trunk lines, i.e., big carriers that have long routes and serve the major cities, have also soared since the 1962 low: American stock has increased 350 percent in value, United 540 percent, Western 670 percent, T.W.A. 850 percent, Delta 930 percent, Continental and Braniff 1,000 percent, Northwest, 1,150 percent, National 1,300 percent. Northeast Airlines, which was near bankruptcy early in 1965, and selling for around 4, was close to 40 later in the year, after control had been purchased by Storer Broadcasting Co.

These fantastic price rises reflect the new high level of earnings, of course. In 1962 three of the eleven trunk lines, T.W.A., Eastern, and Northeast, lost money on domestic operations, and the trunks as a group made only $8 million. In the twelve months ended last June 30 (the latest year for which figures are available), the trunks earned $180 million on domestic operations. The only trunk line losing money today is Northeast, and even its deficits are narrowing sharply. Its price rise reflects not only the narrowing, but Storer's obvious willingness to spend money on it.

The airlines' growth has been an expression of the extraordinary leverage in their situation. Their operating costs are not decisively affected by the volume of business they do; it costs almost as much to fly a half-empty plane as to fly a full one. When an airline is at the breakeven point, incremental revenues come down to profits very easily, but any reduction in revenues brings on sharp losses. The story of the airlines in the past three years has been essentially about their ability to add incremental revenues. In 1962, when the trunks as a group were just barely in the black, their over-all operating revenues were $2.25 billion; their over-all operating expenses plus interest charges came to $2,247 billion. In the year ended last June 30, their revenues had risen by $750 million, their expenses and interest only by $470 million—even though they were now flying many more seat-miles. In some cases, airlines are taking as much as three-quarters of incremental revenues down to pre-tax profits. One spectacularly leveraged airline has been Northwest, whose revenues in the first eleven months of 1965 rose by 23 percent over the comparable 1964 period; net profits *after* taxes rose by 74 percent.

Because the incremental revenues are so profitable, the airlines work hard and experiment endlessly to fill the empty seats. The airlines have introduced jet economy fares in many markets, lowered family fares, let servicemen fly at half price on a "space available" basis, extended coach service to the entire nation (three out of every four seats are now offered at coach rates), and eliminated most excess-baggage charges.

FALLING BREAKEVENS

Meanwhile, the industry still has plenty of empty seats. The great rise in revenues and profits did not come from any appreciable increase in the proportion of seats filled: now, as in the early 1960's, most of the trunks fly with only 50 to 55 percent of their seats filled. What has changed is the number of seats, and the number of miles they are being flown, both of which are greatly expanded; and the breakeven point, which has been sharply reduced by the jets.

The number of sea-miles flown has increased by 65 percent, to 81 billion, since 1960. At the end of 1965, furthermore, over $2.4 billion worth of jets were still on order for domestic trunk operations, enough to add 48 billion sea-miles. The expansion of capacity has vastly magnified the effects of the leverage. At T.W.A. last year, a rise or fall of one percentage point in the "load factor" (proportion of passenger-miles to sea-miles) represented about $10 million in revenues and $5,600,000 in net profits—64 cents a share.

The breakeven point for most piston planes came when around 60 percent of seats were filled. For most jets it is 40 percent or even less. Most airlines still fly a mixture of the two, and so their passenger breakevens tend to cluster around 50 percent: the range in the year ended last June was from 39 percent for Northwest Airlines to 59.6 percent for Northeast. With the continuing reduction in the number of piston planes in use, it seems likely that breakevens will fall still further. Additional reductions in breakeven load factors seem possible as the airlines find ways to step up their utilization of planes. Delta, for example, has begun operating its DC–8 aircraft ten and a half hours a day on the average, up from eight hours in 1964; the effect will be to reduce fixed overhead charges per flight hour by some 20 percent. In the year ending last June 30, most of the domestic trunks had passenger breakevens 3 or 4 percentage points below the figures for the previous year; Eastern's, for example, fell from 57 to 52 percent (while its passenger load factor rose from 52.5 to 55.8 percent). On the whole, then, the trunks will do very well if they can continue to get load factors in the area of 55 percent.

Figures on the new jets ordered by each airline are generally available, and it is often possible to make some important inferences about future earnings from these figures. There is a rule of thumb that a big new jet can return somewhat more in annual revenues than it cost the airline originally. The Series 61 DC–8, for example, has 200 seats and sells for $8 million. Douglas Aircraft estimates that each seat has a revenue capability of $85,500 a year, assuming nine hours of daily utilization. This means that at capacity the plane would generate annual passenger revenues of $17,100,000; at 55 percent it would generate $9,400,000. An airline that was able to operate the plane at a 45 percent breakeven point and attain 55 percent load factors would thus have an operating profit before taxes of at least $1,700,000 (i.e., 10 percent of the revenues at full capacity); cargo revenues might bring this figure even higher. When airlines order the medium-range jets, like Boeing's 727, the calculation begins with a presumption of about $5 million of annual revenues at a 55 percent load factor and ten hours' daily use; the plane costs $4,300,000. With a short-range jet like the Series 10 Douglas DC–9, the cost would be $3,200,000, the revenues $2,900,000 on seven hours' daily use.

The industry's enormous new capital-equipment program has made accounting procedures increasingly significant. In general, the small trunk lines have somewhat more conservative accounting practices than the so-called "big four" (American, United, T.W.A., and Eastern). Most of the smaller companies depreciate their jets over ten years; the big four use eleven through sixteen years. Most of the smaller companies also amortize the 7 percent investment tax credit over the life of the equipment, while the bigger companies take the entire benefit in the year in which it first becomes available.

If the smaller trunk lines used the same accounting practices, their reported incomes would rise appreciably. Continental, for example, would have added 15 cents a share to its 1964 net if it had depreciated equipment over twelve years instead of ten. Taking the entire investment credit at once would have added 30 cents more. Still another option available to airline financial men is to set up a reserve fund for maintenance and overhaul expenses. Airlines with such funds, and Continental is one of them, often accrue more money than is actually spent. (They can do this in reports to stockholders but not for tax purposes; Internal Revenue allows deductions for maintenance only when the money is actually spent.) Had Continental been expensing these costs, still another 17 cents a share would have been added to net. The total reported earnings, had all three liberal accounting procedures been used, would have been $2.44 a share instead of $1.82.

The uncertainties confronting airlines begin with CAB policy. How much profit will the board allow them? In 1960, after a five-year study of airline economics, the board ruled that the big four should be allowed to earn 10¼ percent on their capital and the other trunk lines 11⅛ percent, the trunk average being 10½ percent. (Earnings are stated before interest charges; capital includes long-term debt. The figures apply only to domestic earnings.) As things turned out, of course, there were scarcely any profits at all in the next few years. In the five years 1960–64 the trunk lines as a group had only a 4.7 return; their earnings for the period were about $1 billion short of what the board's standard would have allowed. In 1965, however, the trunks earned just about 10½ percent. The industry has persistently argued that the present healthy levels should be averaged in with the sicklier figures of recent years, that it is really still "catching up."

The board seems not to agree. Charles S. Murphy, the new chairman, recently said that the industry's "prosperity has made it necessary for the CAB to take a fresh look at some of its responsibilities." He added that there was "no reason why we should ever try to reduce earnings just for the sake of reducing them"—but some members of the industry nevertheless suspect they are in for an era of government-imposed price reduction. One special source of concern has been the board's recent refusal to allow surcharges for jet service in markets being converted from pistons. Previously, higher rates for jet service were taken for granted in the industry. *Aviation Week* estimates that the industry would forgo some $200 million a year in revenues if all jet rates were held or brought down to the levels now in effect on piston service; the CAB's own estimate of the difference is $146,500,000. At present traffic levels, American would forgo some $30 million in revenues if jet fares were brought to piston rates. The effect on earnings would be about $1.70 a share.

The industry's uncertainties about costs pertain partly to labor relations, of course but also to the possibility of new taxes—which have been mentioned more frequently since the airlines became prosperous. There is recurrent talk about a federal tax on jet fuel for example, of perhaps 2 cents a gallon. The 2 cents would probably cost the industry more than $60 million a year; United, the heaviest consumer of jet fuel, would pay about $20 million of that and the effect on earnings would be something like $1.80 a share.

Any such costs would put a crimp in profits, and if they were imposed the industry might not be able to show gains in

profitability unless it were also able to raise its load factors.

Mr. MORSE. Mr. President, I yield myself not more than 10 minutes. I may not use the entire 10 minutes at this time.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 10 minutes.

Mr. MORSE. Mr. President, I have just had a call from Secretary of Labor Wirtz, who has followed some of the discussion on the floor of the Senate as to what he did or did not say in the hearings.

Secretary Wirtz instructed me to make very clear to the Senate that he favors the Morse bill, if legislation is to be passed. He thought he had made clear when he was before the committee that, although the administration is not taking any position one way or the other with regard to the passage of legislation, if the Senate is to pass legislation, the Secretary of Labor would favor the Morse bill.

Mr. CLARK. Mr. President, will the Senator yield on my time?

Mr. MORSE. I yield on the time of the Senator.

Mr. CLARK. Mr. President, do I correctly understand that the Secretary of Labor has changed the view he expressed several times before the committee, to the effect that he was strongly opposed to a three-bite determination.

I was going to read what he said in my own remarks. I wanted to be sure that he had told the Senator he had changed his mind.

Mr. MORSE. He did not say he had changed his mind. He stated what his mind is as of now. His mind is that, although the administration is not asking for legislation, and is not asking that there not be legislation passed, the Secretary of Labor advised me that it is the policy of the President—and he asked me to advise the Senate of this—that, if Congress passes legislation, the Secretary of Labor favors the Morse bill.

I said to the Secretary:

I want to make it very clear that you are not speaking in your personal capacity, Mr. Secretary, but are speaking as an administrative witness.

He said:

That is true.

I asked him again if I could make that perfectly clear. He said that I could make it perfectly clear.

Let the RECORD show that the Secretary of Labor, within the last 15 minutes, has advised the senior Senator from Oregon that if we pass legislation, he favors, as the administration witness, the Morse bill.

Mr. SMATHERS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. SMATHERS. Mr. President, the Secretary of Labor did not have reference to the first Morse bill, but to the Morse compromise measure.

Mr. MORSE. He referred to the substitute bill that is the pending measure before the Senate.

Mr. SMATHERS. I thank the Senator.

Mr. MORSE. Mr. President, there has been little discussion of it, but we are at war. And this is no neighborhood war. This is a major war. It has all the prospects of becoming more and more major in its consequences.

The record of the senior Senator from Oregon is clear. I do not favor the war. I do not think we should be in the war. We are in it. We have already killed more than 4,200 American boys. We have wounded several times that number. There is every indication that the war will continue for quite some time and that more boys will be lost and wounded.

Mr. President, involved in this situation is the inevitable result of a war on the economy of a country.

I would have the Senate take into account this afternoon what we did in World War II when the argument of the labor leaders sitting on the War Labor Board with me was that we had to carry out a no-strike, no-lockout agreement. They argued that we had to maintain economic stabilization in this country in order to protect the economy while our boys were dying in Europe.

They are dying in Asia today. That is the only difference.

I agree that something has to be done about prices. Something has to be done to see to it that management does not break the barriers and engage in a contribution to inflation.

I want to say that the demand of this union for a 7- to 8-percent increase is an inflationary demand. No one can deny these statistics. That is what this union is on strike for.

In my judgment, that is against the best interest of labor, as well as against the best interest of the American people.

It has been argued here this afternoon that we should not break a strike. We are not breaking a strike. We are applying a law that has been on the books for years, and it has been applied time and time again to stop strikes for a 60-day period under its application. The resolution proposes to extend that period of time to another 180 days. That is the essence of time involved.

The American people are entitled to have the Railway Labor Act extended for another 180 days.

The American people in regard to the public interest are entitled to have these workers go back to work for this period as they proceed to try under collective bargaining to settle the dispute.

I have not the slightest doubt that if they are sent back to work, the controversy will be settled.

I happen to believe that the best service we can perform for this union is to put these men back to work.

Some of their leaders have said, both at the local and national level, that they will not go back to work unless Congress passes a law.

In my judgment, thousands of the men in this industry would welcome a law. It would get them off the hook. It would lead to a fair settlement.

There is no longer any wage issue involved in this case. They asked for $4.04, and they have already gotten $4.08 by the collective bargaining agreement.

A question has been raised again in regard to an escalator clause. It is generally recognized that escalator clauses are on the way out, not on the way in, because escalator clauses are themselves inflationary. But the other night the union through its negotiators agreed to eliminate an escalator clause. Even as to the escalator clause in the Emergency Board report—we gave them an escalator clause—the original demand was for a one-way street. There was to be an escalator clause only if the cost of living went up; but if it went down, there would not be a wage decrease. This is not the typical, traditional escalator clause, by the way.

What we have provided is that if it can be shown after a year that the cost of living has gone up 1 percent or more, based on the average of the last 5 years, an arbitration board would be appointed to determine what the facts are, and the union would be given the benefit of the escalation, taking into account the factors that are set forth in the report. That is all the union is entitled to, in my judgment, after its members have been given the good wages designated by both the Board report and the general agreement. That is all they are entitled to in the midst of a war.

In the public interest, the steps necessary to prevent inflation should be taken, so long as we can make a valiant effort to do so, and the union has as much public responsibility as do the employers and everyone else in the country to cooperate in protecting the economy.

In regard to the profits of the companies, no consideration has been given on the floor of the Senate in the last several days to what the companies have made during the past 10 years.

The record shows 5.1 percent return on the investment. Only in the last 2 years have there been good profits in this industry. Of course, the employers have the ability to pay, if one wishes to put the burden on them and deny to the public the rights that it has for a distribution of some share of this profit for the public benefit. The public is entitled to a share of the profits because it has spent millions and millions of dollars for the subsidization of the carriers and then for the building of the airports that provide the facilities that give the work opportunity to the workers and provide the facilities that give to the carriers an opportunity to engage in a private enterprise system.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. When I get through, if I have time, I shall yield. I am not only answering the Senator from Illinois, but also others who have made similar arguments.

From the standpoint of the earnings of a company, three parties have a right to share in the earnings. One of the parties is the workers, and they are sharing by a wage settlement—a financial settlement—in this case that continues to keep them in the blue-ribbon class of the workers of this country. This is not an underpaid group of workers. This is a group of workers far above the average.

Because it is in a regulated industry this group of workers has a remarkable work guarantee program, too. That does not mean that they are all assured of continuity of employment, but it means that the nature of this business results in a large percentage of these employees not having to worry about whether they will continue to be employed. That is not true in some other industries, where there is seasonal fluctuation. It is not even true in the automobile industry, where from time to time there are seasonal layoffs.

In my judgment, the inflation issue is not being given the weight and the consideration it deserves by those who do not wish to pass legislation or by those who wish to pass the responsibility to the President of the United States. We, the Congress, owe it to the American people to see that we do what we can to stop this inflationary tornado from breaking forth.

As I have said many times—but it must be repeated in the closing minutes of this debate—look at the other groups waiting to come in to get an increase in their wages far beyond what would be an inflation control wage. They would use this as the bellwether case.

There is no justification in asserting the argument that has been made here this afternoon that because there have been profits in this industry during the last few years, we ought to take the position that the carriers should have the burden put upon them. What is the ability-to-pay criterion in connection with wage settlements? Of course, the profits are taken into account in deciding what the wages ought to be. But one does not take the position that a union that demands an exorbitant wage increase should get it because the carriers could pay it, in a regulated industry in which a public interest ought to be protected.

Furthermore, not a word has been said here about the tremendous requirement costs of this industry during the next 5 or 6 years.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MORSE. Mr. President, I ask unanimous consent that I may proceed for 2 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. They will have to buy a large number of planes, each of which will cost $9 million to $12 million; and within 10 years, if they go on with the superplane, they will have to spend $20 million. Where will they get the investment for that kind of reequipment program, if we say we will give an undue share of the profit to the workers in the industry?

I yield to no one in desiring these workers to receive a very good wage. They are receiving a very good wage. But in the midst of a war, when crisis faces this country and they know that their economic power is great, they apparently insist on getting what they want or continuing a strike.

There is no question as to what is in the record with regard to the national interest. There is no question about what is in the record in regard to an interruption of essential transportation service in section after section in this country.

In my judgment, Mr. President, we have a clear duty, under the Constitution, to regulate commerce by taking the necessary steps to provide the public with the transportation that, in the midst of a war, this union does not have a scintilla of right to take away from the public by a strike it is now conducting. This is particularly true in view of the fact that the settlement already agreed upon by its own negotiator is an exceptionally good one.

I yield to the Senator from Illinois.

Mr. DOUGLAS. The Senator from Oregon has said that the consumers or users of the airlines should—and, in his judgment, would—receive a reduction in rates. Does the Senator have any guarantee of that? To what degree has the CAB ever reduced rates domestically?

Mr. MORSE. I cannot give any guarantee of it, but I have no doubt, as a result of my discussions with administration leaders, that the CAB knows very well that it has to proceed, without delay, to give consideration to the rate problem. It has already been trying to do so indirectly in regard to the type of service and the reduced rates given to students and other groups. I believe that the CAB should proceed with a full-fledged rate hearing seeking to distribute these profits among the public. But I am at a loss to understand the theory of the Senator from Illinois that because it has not done so to date, we ought to go along with what is obviously an exorbitant demand on the part of this union, and that this will really prevent inflation.

Mr. CLARK. Mr. President, I have a little time and will be glad to yield the Senator 2 more minutes.

Mr. DOUGLAS. I thank the Senator from Pennsylvania.

I should merely like to point out that the theory behind the wage-price guidelines was that the real wages of the workers should not increase by more than the increase of the physical productivity per hour. The physical productivity per hour in manufacturing has been going up at something more than 3.2 percent. I do not stress that fact. But I should like to point out that any increase in the cost of living diminishes to that degree the increase in real earnings, and that a 3.2-percent increase in money wages in a period of advancing prices should not be mistaken for a 3.2-percent increase in real earnings.

Without going into the question as to whether or not the rank and file were correct, I can say that I do not believe that they should be open to the castigation which has been meted out to them and that they had at least an arguable point.

I predict that this same weakness in the wage-price guidelines will rise up to haunt us, and that trying to keep the money wages per hour down to 3.2 percent in a period of advancing living costs will ultimately prove to be one sided, as it already has been; and, to my mind, it is the chief reason for the extraordinary increase in corporate profits.

Mr. MORSE. I ask for 1 minute, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. The 3.2-percent guideline has never been involved in this case. It was not an issue before the emergency board. The settlement that the parties negotiated is a settlement in the neighborhood of 4.4-percent increase. Guidelines is a dead issue, as far as this case is concerned.

The live, vibrant issue is whether or not Congress will stand by and let a union conduct a strike, which is a strike now against the public interest, setting a precedent that will mean that an inflationary tornado will be let loose on this country; and I do not like to see labor be the cause of starting it.

I wish to say, also, that it is the responsibility of Congress to take some action—which it has not taken—with regard to inflation-control legislation. The argument has been made that there is control in other areas. That is partly our fault, too. I believe we should get busy and pass some general inflation control legislation.

When I think of what happened in World War I and what is happening today with regard to labor-management relationship in respect to wages and prices, I am at a loss to understand how we can justify permitting this union to proceed with these unreasonable demands and to use its naked economic power to force those demands upon a suffering public.

Mr. CLARK. Mr. President, I yield to the Senator from Vermont.

Mr. PROUTY. Mr. President, first, I should like to quote a statement made by the distinguished and able senior Senator from New Hampshire [Mr. COTTON] yesterday afternoon:

> But once Congress falls into the trap of passing a measure, a self-executing measure triggered off by Congress, which calls for sending men back to work, we might as well hang a sign outside the Senate door reading, "Capitol Hill Labor Relations Board."

It seems to me that this is so true. I believe that the full responsibility in this instance must rest in the hands of the President. That is the only way in which a measure of flexibility can be maintained. The President has access to all of the facts. He knows what is going on. He knows the views of the carriers and the leaders of the union. If they cannot get together, then I think he must make the final decision as to whether it is necessary to exercise emergency powers.

Certainly the President has had no difficulty or hesitancy in expressing his point of view on a great variety of other issues. Only today, the newspapers indicate that he is very much concerned about the increase in steel prices, and apparently he is going to assume some responsibility in that respect.

I do not want to get into the question of Vietnam, but certainly the President did not consult Congress with respect to escalating the war in that country.

He has not had any hesitancy in making recommendations to the Congress in support of Great Society legislation and other legislation.

I cannot understand why he is unwilling to assume the responsibility in this instance of advising us whether or not he desires emergency legislation. I think this is a serious strike. Because it is, I think the President should come forward to Congress and say that he needs legislation to take corrective action, if he believes that he does. He has failed to do that. He apparently has no intention to do it. We are advised that he is not requesting Congress to act, and also that he is not requesting Congress not to act.

I believe that if we support the substitute resolution, we are going to postpone any settlement for a long time. I am convinced that the House of Representatives will not accept any legislative proposal which does not require the President to say that an emergency exists if this strike is to be broken solely by congressional mandate.

I hope very much that the resolution approved and reported by the committee will be adopted, and that the substitute resolution will be defeated overwhelmingly.

I thank my friend, the Senator from Pennsylvania [Mr. CLARK] for yielding to me.

Mr. CLARK. Mr. President, I yield myself such time as I may require. On balance, the bill which the Committee on Labor and Public Welfare reported, of which I am the floor manager, is about the best that we can do. Mr. President, I would like to make six points in that regard.

First, there has been a lot of irrelevant talk about legality. There is no constitutional issue involved here. If the committee measure is unconstitutional, then the Railway Labor Act has been unconstitutional since it was passed in 1926, and since discretion is granted to the President under the Morse amendment, it too is unconstitutional.

There is question about the power of Congress under the interstate commerce clause. That is irrelevant. Both the committee resolution and the Morse amendment utilize interstate commerce as a constitutional basis for action.

Both sides also admit that the public needs protection.

My second point is that the issue between the Morse amendment and the committee resolution is the extent to which Congress should act, and the extent to which Congress should delegate power to the President.

The Senator from Oregon [Mr. MORSE] pointed out that the President takes the responsibility for his measure, when he signs it. The proposal now before the Senate sponsored by the Senator from Oregon also gives the President discretion to appoint or not appoint an airlines board.

If the committee resolution is approved he is given greater discretion and there are those of us who support it because we think that it is wise to give him that discretion. Why do we think it is wise to give him that discretion? Because the situation is not clear. There are many Members of this body who do not think there should be any legislation because a national emergency has not been established while there are others who think we should act because there is sufficient emergency.

I believe the interruption of interstate commerce is sufficient to require Congress to act to give the President, who is in touch with the day-to-day operations, the authority to send the men back to work.

My third point is, that while we have the power in Congress to send these men back to work, it is not wise to exercise that power, which is really executive and not a legislative power.

My fourth point is that the Morse amendment is a bad precedent which puts the Senate in the executive business and takes us away from legislative business. It also puts us in the labor relations business to a much greater degree than is wise.

My fifth point is that the Secretary of Labor has apparently changed his mind. In his very forthright testimony given before the Labor Committee he stated he was strongly opposed to breaking the time up into three 60-day periods.

I would think he would be clearly opposed to slicing up the period in this case as well. The Secretary spoke strongly. I will not take the time to read what he said, other than to quote the following:

> There has been general discussion of the single 180-day period or three 60-day periods and I will be glad to answer in terms of that understanding.

Then, he continues:

> While I would not count that difference a basic or vital difference, I would have a very, very strong preference or judgment to express in terms of the single 180-day period for the following reasons:

He then gives his reasons. Now according to the Senator from Oregon [Mr. MORSE], who I have no doubt is accurately reporting what the Secretary said, he has changed his mind and is willing to have a divided period. I wish I had information as to what prompted this change.

In dealing with this change of position on the part of the administration spokesman, I find it unfortunate they cannot develop a firm position on what they want and do not communicate it to us.

My sixth point is the one made so ably by the Senator from Rhode Island [Mr. PASTORE]. Every Member of the Senate and every Member of the House of Representatives who votes for the Morse amendment is going to be charged in his home State and district with being a strikebreaker. There is no way to get around it. The committee amendment under which the President is given discretion to act will help remove the onus from many fine men who will be seeking election.

Mr. President, I reserve the remainder of my time.

How much time do I have remaining?

The PRESIDING OFFICER. Four minutes remain to the Senator from Pennsylvania.

Mr. GRIFFIN. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield 1 minute to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 1 minute.

Mr. GRIFFIN. I thank the Senator from Pennsylvania for yielding to me.

I agree completely with the points the Senator has made in summarizing the situation.

So far as the committee resolution is concerned, I intend to vote against the substitute and to vote for the committee resolution. I believe that it is the wise and proper thing for the legislative branch to do.

If I am left with no alternative, of course, I will vote for the substitute on final passage, in the event that it should be adopted—which I hope will not be the judgment of the Senate.

Again, I thank the Senator from Pennsylvania for yielding to me.

Mr. MORSE. Mr. President, I believe that the Senator from Pennsylvania has 2 minutes remaining to him. I believe that I have 3, and I will waive 1 minute of it——

Mr. CLARK. If I could interrupt the Senator, I understand that both of us have 3 minutes remaining.

Mr. MORSE. All right. The understanding is that we will call for a live quorum. After the live quorum, the Senator will use his 3 minutes, I will use my 3 minutes, and then we will vote.

Mr. CLARK. Mr. President, I suggest the absence of a quorum.

Mr. MORSE. Mr. President, this is with the understanding that the time will not be charged against either side.

Mr. CLARK. Mr. President, I ask unanimous consent that in the call of the quorum being suggested by myself and the Senator from Oregon [Mr. MORSE], the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 171 Leg.]

Aiken	Hickenlooper	Nelson
Allott	Holland	Neuberger
Anderson	Hruska	Pastore
Bartlett	Inouye	Pearson
Bayh	Jackson	Pell
Bible	Javits	Prouty
Boggs	Jordan, N.C.	Proxmire
Burdick	Jordan, Idaho	Randolph
Byrd, Va.	Kennedy, Mass.	Ribicoff
Byrd, W. Va.	Kennedy, N.Y.	Robertson
Cannon	Kuchel	Russell, S.C.
Carlson	Lausche	Russell, Ga.
Case	Long, Mo.	Saltonstall
Church	Long, La.	Simpson
Clark	Magnuson	Smathers
Cooper	Mansfield	Smith
Cotton	McCarthy	Sparkman
Curtis	McClellan	Stennis
Dirksen	McGee	Symington
Dominick	McGovern	Talmadge
Douglas	McIntyre	Thurmond
Ervin	Metcalf	Tower
Fannin	Mondale	Tydings
Fong	Monroney	Williams, N.J.
Gore	Montoya	Williams, Del.
Griffin	Morse	Yarborough
Gruening	Morton	Young, N. Dak.
Harris	Mundt	Young, Ohio
Hart	Murphy	
Hartke	Muskie	

The PRESIDING OFFICER. A quorum is present.

Who yields time?

Mr. CLARK. Mr. President, I yield myself the remainder of my time. As between the committee resolution and the Morse amendment—the fourth Morse amendment—I support the committee resolution. I think it is wiser on the whole to vest in the President the authority to determine whether or not these men should be sent back to work after the Senate and the House of Representatives has found that there has been a sufficient interruption of interstate commerce to justify the extending of the terms of the Railway Labor Act.

There is no constitutional issue involved here. The question is whether each individual Senator wants to vote for any legislation. If a Senator does not want to vote for legislation, he will vote against the Morse substitute. He will then have an opportunity to vote for the moderate compromise resolution brought out by a majority of the committee, which calls for Congress exercising its responsibility to extend the Railway Labor Act and then for the President of the United States determining whether or not to use that tool—that authority—which has been given to him.

The Morse substitute, on the other hand, calls for Congress acting in what I think is essentially an executive capacity. In my judgment, such action is not advisable and, therefore, I prefer the other approach.

Finally, let me say to Members of the Senate, if they vote for the Morse substitute and take the position that, as Members of Congress, they are going to exercise what is fundamentally an executive responsibility, when the 100 Senators, and when the 435 Members of the House of Representatives, every one of whom is up for election, go back to their homes, they are going to be charged with being strikebreakers. That may be unjust; that may be unkind; but it is a fact of political life.

I think the Senate should vote for what a majority of the committee brought before the Senate.

Mr. MORSE. Mr. President, as I announced a few minutes ago, when some Members of the Senate were not present, the Secretary of Labor talked to me within the hour and authorized me to make the following statement to the Senate in his public capacity as the administration's official witness in this case. He authorized me to make this statement——

Mr. LAUSCHE. To whom does the Senator refer?

Mr. MORSE. Secretary Wirtz.

He said the position of the administration continues to be that it neither asks Congress to pass legislation nor does it ask Congress not to pass legislation. If the Congress in its wisdom decides to pass legislation, I am authorized to inform the Senate that it prefers the Morse resolution, which is the bipartisan resolution pending.

Next, I am asking for a resolution that joins the Congress and the President in a partnership, if Congress continues to believe that the Railway Labor Act, which is the prevailing point in the pending resolution, should be used, in the public interest, because the strike must stop. It then has an orderly procedure, becoming effective when the President signs it. At that time the President and Congress become partners in making effective a law that, in the public interest, sends the men back to work.

Next, let me state that we are in the midst of a war. Senators know my position with respect to that war, but we are in it. The airline strike raises a great economic crisis in respect to the war. So that raises the second facet of the emergency question. We are in a national emergency in that there is a substantial interruption of air transportation in many sections of the country. The public is entitled to have that transportation, not only in its economic interest, but in other interests.

Another facet of the emergency is that if the strike is continued, this union, in the exercise of its naked economic power, will force its demand for a highly inflationary wage increase of 7 to 8 percent. The members of the union are getting under the proposed settlement, 4.4 percent. So the wage question is not in dispute. The union asked for $4.04. It received $4.08 on the key classification. Therefore, this resolution joins Congress with the President, when he signs it, as a partner by acting in the public interest to bring an end to the strike.

The VICE PRESIDENT. All time on the amendment has expired.

The question is on the Morse amendment in the nature of a substitute. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. METCALF (after having voted in the negative). On this vote I have a pair with the senior Senator from Alabama [Mr. HILL]. If he were voting, he would vote "yea." I would vote "nay." Therefore, I withdraw my vote.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee, [Mr. BASS], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Arkansas [Mr. FULBRIGHT], are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], and the Senator from Utah [Mr. Moss] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], and the Senator from Mississippi [Mr. EASTLAND] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Iowa [Mr. MILLER] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Pennsylvania [Mr. SCOTT] would vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Iowa [Mr. MILLER]. If present and voting, the Senator from Utah would vote "yea" and the Senator from Iowa would vote "nay."

The result was announced—yeas 51, nays 36, as follows:

[No. 172 Leg.]

YEAS—51

Aiken	Holland	Pearson
Allott	Hruska	Robertson
Anderson	Inouye	Russell, S.C.
Bayh	Javits	Russell, Ga.
Bible	Jordan, N.C.	Saltonstall
Byrd, Va.	Jordan, Idaho	Simpson
Byrd, W. Va.	Lausche	Smathers
Cannon	Long, Mo.	Sparkman
Carlson	Long, La.	Stennis
Cooper	Mansfield	Symington
Curtis	McClellan	Thurmond
Dirksen	Monroney	Tower
Dominick	Montoya	Tydings
Ervin	Morse	Williams, Del.
Fannin	Morton	Yarborough
Fong	Mundt	Young, N. Dak.
Harris	Murphy	Young, Ohio

NAYS—36

Bartlett	Hartke	Muskie
Boggs	Hickenlooper	Nelson
Burdick	Jackson	Neuberger
Case	Kennedy, Mass.	Pastore
Church	Kennedy, N.Y.	Pell
Clark	Kuchel	Prouty
Cotton	Magnuson	Proxmire
Douglas	McCarthy	Randolph
Gore	McGee	Ribicoff
Griffin	McGovern	Smith
Gruening	McIntyre	Talmadge
Hart	Mondale	Williams, N.J.

NOT VOTING—13

Bass	Ellender	Miller
Bennett	Fulbright	Moss
Brewster	Hayden	Scott
Dodd	Hill	
Eastland	Metcalf	

So Mr. MORSE's amendment in the nature of a substitute was agreed to.

Mr. MORSE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. JAVITS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

Mr. KENNEDY of New York. Mr. President, when the Labor and Public Welfare Committee began consideration of the airline strike last week, my initial position was in favor of congressional intervention. The strike has unquestionably disrupted and inconvenienced many people and a part of the business and commercial sector. It therefore appeared that special measures might be needed.

During the hearings, however, the Secretary of Labor twice testified that there is no national emergency. And twice he told the committee that the administration requests no legislation, and makes no recommendations for legislation.

In these circumstances, the committee adopted and reported the resolution in the form which is now before the Senate. A majority of the committee felt that some legislation might well be necessary, but they also felt, in view of the testimony of Secretary Wirtz, that any mandatory back-to-work order would be unwarranted. Therefore, they proposed to give the President full power to act at such time he finds that action is needed in the national interest.

Along with other Senators on the committee, I voiced doubts as to the need for any legislation at this time. Nevertheless, because Senator MORSE made it clear that he would bring a proposal to the floor regardless of what action the committee took, I voted to report the resolution.

It is now over a week since the committee began its consideration of the strike; it is over 3 weeks since the strike began. The Senate has been discussing it for 3 days. Yet we have still had no request from the administration for legislation. We have had no finding by the President, or by his economic advisers, that the strike is a danger to the economy—such as the statement made by Mr. Ackley just today relating to the steel price rise. There has been no indication from the Secretary of Defense that the national defense is in any way adversely affected. No major administration official—not one—has suggested that the Congress should enact legislation. Indeed, it has been indicated in today's debate that the President might not even sign such a bill if we were to pass it. I am, therefore, opposed to legislation at this time.

We have, of course, our own responsibility to examine the facts of this dispute. But the facts do not support congressional action now.

First, there is no national emergency, as that has been defined traditionally. Although some particular communities have been hit hard by the strike, transportation in the Nation as a whole has not been seriously affected. Airlines carry only 6 percent of intercity travel, and nearly 40 percent of the usual volume of airline flights are still in operation. Therefore, about 96 percent of all intercity travel has been unaffected; 99.9 percent of intercity freight is moving normally. And our Nation's defense efforts have not been impaired by the strike; men and materiel are moving without difficulty.

Second, this legislation would be unprecedented. Never before, in nearly 200 years, has Congress ordered striking men back to work. Only twice has Congress prevented men from striking—in 1916 and 1963. And the contrast between those cases and this is one demonstration why action now is inappropriate.

In 1963, for example, the President specifically requested legislation in a special message to the Congress. He said a work stoppage would seriously interfere with the national defense. The Council on Economic Advisers predicted that by the 30th day of the strike then threatened, 6 million nonrailroad workers would be laid off, in addition to 700,000 railroad employees; unemployment would have reached 15 percent nationally, the worst rate since 1940. None—not one—of those factors is present today.

Third, this legislation would be a far-reaching precedent for intervention by the Congress into dozens, perhaps hundreds, of major labor disputes: intervention on an emergency basis, in the midst of bargaining, without the sober and considered judgment of expert and experienced opinion in or out of the Congress.

In the last 30 years—in the last 5 years, or even just in the life of this Congress—there have been hundreds of labor disputes more serious in their effects than this one. There have been longshore strikes that cut off all ocean commerce from the east and gulf coast ports. There have been maritime strikes with similar effects on our foreign commerce and the balance of payments. There have been strikes in the aerospace industries which hampered our space programs. There have been public service strikes, such as the New York subway strike, which crippled millions of people in our greatest cities. And there have been strikes—some within the last 5 years—in which men have fought and engaged in armed violence and died.

In none of those cases did Congress even seriously consider the possibility of intervention.

I submit that those earlier judgments of the Congress not to intervene were completely sound and correct. Whatever the shortrun effects of congressional intervention in particular labor disputes, Congress knew that the longrun effect could only be injurious to a free economy and a free collective-bargaining system. We have stood firmly behind that principle in far more serious situations than the present. There is nothing—in the facts or in the position of the administration—which compels us to be the first Congress in the history of the United States to thus intervene in a labor dispute.

This is not to say that our present collective-bargaining system is perfect.

I favor new legislation to deal with strikes that affect the public interest. I believe our laws are inadequate to handle the problems which have emerged in this area in the last few years. Too frequently the public interest is not sufficiently taken into account as the parties bargain. This is an ingredient which cannot be overlooked, and I believe we should act expeditiously to assure more effective assertion of the public interest in labor disputes. I would urge that the Labor and Public Welfare Committee undertake to hold hearings at an early date on this problem and on the form which new legislation should take.

That is the proper approach to new emergency strike legislation—on mature consideration by all Members of Congress, with administration recommendations, and on a basis that deals with the entire range of problems.

But the problem does not end there. The airline problem is really just one example of the problems which confront our economy in this time of war and increasing inflation. In the labor area, the increasing complexity of our economic problems only means that there will be more disputes like this one, a fact which only emphasizes further the need for an overall examination. The questions are numerous. How are we, for example, to develop wage guidelines which help chart the direction of development in an expanding economy without unduly constricting the bargaining process in particular disputes? How are we to make sure that unforeseen cost of living increases do not make a mockery of our guidelines?

More broadly, with the increasing inflation and the increasing profits being generated by the war, should we now be considering a tax increase to help maintain economic stability? And, too, if we are going to pay for programs to deal with the problems of our cities, with poverty, with the plight of our elderly, and with a dozen other domestic problems, should we not begin considering a tax increase for that reason as well?

These are all complicated matters which must be examined seriously and in depth. They require—as this very labor dispute has shown—the most urgent attention of the executive branch and of the Congress and its various committees. This strike has revealed most serious problems—not only in our labor policy, but in the economy as a whole. We should not now ignore those broader problems by contenting ourselves with considering a single dispute. Rather this case should be an impetus to the administration and the Congress to face and deal with the true emergency—the pressing public problems of the day.

I repeat, however, that I do not believe the present situation justifies the truly extraordinary act of congressional intervention. I shall, therefore, oppose the legislation which is before the Senate today.

Mr. SMATHERS. Mr. President, I intend to support reluctantly the compromise measure we are now considering.

I use the word "reluctantly" because this is not the approach I would have preferred. It is not the forthright approach that would have required the Congress to fully assume the responsibility that is ours in this moment of crisis. It is not the approach that would have said unequivocally—beyond all shadow of a doubt—that we, the Congress of the United States, find emergency action to end this deadlocked dispute absolutely essential, and that we, the Congress of the United States, direct that such action be taken.

Instead, Congress is retreating. In the face of a politically dangerous and difficult task, we are seeking to transfer the burden of our clearly defined duty to the shoulders of the President. Like the small boy who breaks his neighbor's window with a baseball and then denies it, we are trying to say: "I didn't do it, he did."

Yet, Mr. President, I will vote for this compromise. I will vote for it because, with the passing of every day and every hour, tens of millions of Americans suffer more intensely painful inconvenience and economic dislocation as a result of the grounding of 60 percent of our domestic commercial air service. I will vote for it as the only politically practical solution to an impasse that is seriously threatening the welfare of the general public.

The time has passed when additional debate on the need for airline strike legislation could prove fruitful. The arguments on all sides have been stated and restated. They have been answered and

then answered again. And, from it all, a factually simple case has emerged.

One year of negotiations between the International Association of Machinists and the five affected airlines failed to produce a mutually acceptable pact. The efforts of the National Mediation Board failed to produce such an agreement, as did the Emergency Board created by the President on April 21 of this year. The personal intervention of the Secretary of Labor, and finally, the President of the United States, could not bring about a settlement.

On July 8, a third party to this dispute, the general public, was dragged in unwillingly, when the failure to resolve the outstanding issues between union and management resulted in the present strike.

Mr. President, it is the interest of that forgotten and abused third party that we must now protect. It is the air traveler, the hotel desk clerk, the taxicab driver, none of whom are represented at the bargaining table, that we must here represent by acting to restore full air service to our Nation's cities.

I would hope, then, that even this compromise can be adopted so that interests of all Americans, unionists as well as farmers, might be served.

While the planes fly, the carriers and the IAM can continue their negotiations in an atmosphere free from the pressures that now make the chances for a pact acceptable to both sides extremely remote.

I am not presuming to side with one or the other of the contestants and say that the case of one has more merit than the case of the other.

Rather, I am urging that we allow these parties, the airlines and the union, to work out solutions to their problems in a manner that will do no further harm to the average citizen.

Before concluding my remarks, I would like to first draw a parallel, and then, from that parallel, make a prediction.

On the 16th of May of this year, Great Britain's maritime unions went out on a strike that completely closed down that island nation's ports. The strike lasted 45 days while England's Labor government agonized over whether or not to take steps to end it.

On the 30th of June, the workers returned to their jobs. Statistical evidence compiled at that time suggested that the strike's effects were not really as devastating as had been expected. Most of Britain's exports, the mainstay of the British economy, had been shipped by air freight. A few small exporters suffered greatly, but an independent survey indicated that only 15 percent of British manufacturers interviewed felt they had suffered any long-term damage.

Yet, there is little doubt that England's maritime strike was the trigger for the harsh deflationary policies the Wilson government has been forced to adopt. It was the economic straw that broke the camel's back.

By failing to take firm action at the outset of the walkout to get the workers back on the docks, the British Government was later forced to the adoption of far more drastic and unpopular measures.

By failing to treat one diseased limb when it first became infected, England allowed the patient to become so ill that now even emergency surgery may not save the patient.

Mr. President, Congress has lessons to learn from this example. If we are too timid and too fearful to move decisively to end this airline strike now, we may later be faced with the necessity of enacting painfully stringent economic measures of wide scope.

Already, the indicators by which we judge the health of the national economy have given us cause for concern.

In the second quarter of 1966, the gross national product registered the smallest increase since the fall of 1964.

Second quarter retail sales for this year are off 2.6 percent from the preceding quarter.

Personal income gained less in the second quarter than in any quarter since the spring of 1963.

And, added on to these signs is the news that steel prices are again climbing.

These conditions, combined with the daily losses caused by the airline strike, could set off the downturn so many economists have been predicting.

Should that happen, Mr. President, I predict that Congress will be sitting long hours and wrangling with far more difficult issues than the one now before us. In an effort to restore a badly damaged economy to full health, we will be faced with much tougher decisions than the one we are now considering.

I would hope, then, that even this compromise can be adopted so that the interests of all Americans, unionist and managers, as well as farmers and housewives, might be served.

Mr. TOWER. Mr. President, I remain inalterably opposed to dictated Federal compulsory arbitration of labor-management disputes. Therefore, I am glad we were able to defeat overwhelmingly yesterday the compulsory abritration amendment.

I support the compromise resolution because it allows continuing free collective bargaining during the 30-day cooling-off period authorized by Congress. Both workers and management retain during this time their full rights and responsibilities to negotiate, and the public interest is recognized and served by a return to work.

I am hopeful the parties will reach settlement during this time. If not, it will be up to the President to authorize an extended cooling-off period under the discretion given him by the compromise bill.

It is incumbent on Congress to make the public interest clear and to provide for continued free bargaining during a restoration of service.

Mr. BURDICK. Mr. President, I shall vote against this resolution. Congressional intrusion into employer-employee relations in this drastic manner is not justified unless a national emergency is present. The President of the United States has not requested legislation. The Secretary of Labor and the Senate Labor Committee have stated to the contrary that no such emergency exists. This debate has developed no evidence of a national emergency, there has been no interruption in the movement of military supplies, 99 percent of all the freight in the Nation is moving and overall transportation has been affected less than 4 percent.

The affirmative case for this legislation rests on inconvenience to a portion of the traveling public who have been accustomed to using the airlines. Citizens are unhappy because of the failure of the parties to reach an accord. Frankly, I am too, but, inconvenience and unhappiness do not provide a basis for this extraordinary action or a reason for interference with free collective bargaining.

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The joint resolution having been read the third time, the question is, Shall it pass? On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. YOUNG of Ohio. Mr. President, the Chamber is in a state of confusion. There are aids on the floor who do not seem to have any work to do. I request that the aisles be cleared, and that persons having no business in the Chamber be ordered to withdraw.

The VICE PRESIDENT. The request of the Senator from Ohio will be honored. Senators and other persons in the Chamber will either take seats and be in order, or withdraw.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK (when his name was called). On this vote I have a pair with the Senator from Alabama [Mr. HILL]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay."

The rollcall was concluded.

Mr. LONG of Louisiana. I announce that the Senator from Tennessee [Mr. BASS], the Senator from Louisiana [Mr. ELLENDER], and the Senator from Arkansas [Mr. FULBRIGHT] are absent on official business.

I also announce that the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], the Senator from Mississippi [Mr. EASTLAND], the Senator from Arizona [Mr. HAYDEN], the Senator from Alabama [Mr. HILL], and the Senator from Utah [Mr. Moss] are necessarily absent.

I further announce that, if present and voting, the Senator from Maryland [Mr. BREWSTER], the Senator from Connecticut [Mr. DODD], and the Senator from Mississippi [Mr. EASTLAND] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT] is absent because of illness.

The Senator from Iowa [Mr. MILLER] and the Senator from Pennsylvania [Mr. SCOTT] are necessarily absent.

If present and voting, the Senator from Pennsylvania [Mr. SCOTT] would vote "yea."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Iowa [Mr. MILLER]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Iowa would vote "nay."

The vote was announced—yeas 54, nays 33, as follows:

[No. 173 Leg.]

YEAS—54

Allott	Holland	Randolph
Anderson	Hruska	Robertson
Bible	Inouye	Russell, S.C.
Byrd, Va.	Javits	Russell, Ga.
Byrd, W. Va.	Jordan, N.C.	Saltonstall
Cannon	Jordan, Idaho	Simpson
Carlson	Kuchel	Smathers
Church	Lausche	Sparkman
Cooper	Long, Mo.	Stennis
Curtis	McClellan	Symington
Dirksen	McIntyre	Talmadge
Dominick	Monroney	Thurmond
Ervin	Montoya	Tower
Fannin	Morse	Tydings
Fong	Morton	Williams, Del.
Griffin	Mundt	Yarborough
Harris	Murphy	Young, N. Dak.
Hickenlooper	Pearson	Young, Ohio

NAYS—33

Aiken	Hartke	Mondale
Bartlett	Jackson	Muskie
Bayh	Kennedy, Mass.	Nelson
Boggs	Kennedy, N.Y.	Neuberger
Burdick	Long, La.	Pastore
Case	Magnuson	Pell
Cotton	Mansfield	Prouty
Douglas	McCarthy	Proxmire
Gore	McGee	Ribicoff
Gruening	McGovern	Smith
Hart	Metcalf	Williams, N.J.

NOT VOTING—13

Bass	Eastland	Miller
Bennett	Ellender	Moss
Brewster	Fulbright	Scott
Clark	Hayden	
Dodd	Hill	

So the joint resolution (S.J. Res. 186) was passed, as follows:

S.J. RES. 186

Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress does hereby find and declare that a labor dispute between Eastern Airlines, Incorporated, National Airlines, Incorporated, Northwest Airlines Incorporated, Trans World Airlines, Incorporated, and United Air Lines, Incorporated, and certain of their employees represented by the International Association of Machinists and Aerospace Workers, a labor organization, threatens substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation services; that such essential transportation services must be maintained; that all procedures for resolving such dispute provided for in the Railway Labor Act have been exhausted and have not resulted in settlement of the dispute, including a report and recommendations of the Emergency Board No. 166, a proffer of arbitration and mediation with the parties by the National Mediation Board; further, that the efforts of the National Mediation Board and the Secretary of Labor to settle this dispute have been unsuccessful; and that it is desirable to achieve a settlement of this dispute in a manner which serves the public interest and economic stabilization and which preserves the free collective bargaining method.

(b) The Congress therefore finds and declares that emergency measures are essential to the settlement of this dispute and to the security and continuity of transportation services by such carriers.

SEC. 2. For a period of thirty days effective from the date of enactment of this joint resolution the provisions of section 10, paragraph 3 of the Railway Labor Act shall apply and no change, except by agreement, shall be made by the parties to the controversy, or affiliates of said parties, in the conditions out of which the dispute arose. During such period of time none of the parties to the dispute, or affiliates of said parties shall engage in or continue any strike or lockout.

SEC. 3. (a) Within the period of time specified in section 2, the President is authorized, on the basis of the findings of Congress in section 1 of this joint resolution, to appoint a Special Airline Dispute Board which shall thereafter engage in mediatory action directed to promoting agreement among the parties. The provisions of section 2 shall continue to apply during a period of sixty days following the appointment of the Board. At the expiration of said sixty-day period, the President is authorized, on the basis of the findings of Congress in section 1 of this joint resolution, and if the Special Airline Dispute Board provided for in this section finds that the provisions of said section 1 continue to exist and recommends to the President that the sixty-day period be extended, to extend the provisions of section 10, paragraph 3 of the Railway Labor Act for an additional 90 days upon issuance by the President of an Executive order so providing. During the period or periods of time referred to in this section, none of the parties to the dispute, or affiliates of said parties, shall engage in or continue any strike or lockout.

(b) Any agreement among the parties shall provide that the wage settlement provisions be retroactive to January 1, 1966.

(c) Notwithstanding any other provision of law, the National Mediation Board is authorized and directed: (1) to compensate the members of the Board at a rate not in excess of $100 for each day together with necessary travel and subsistence expenses, and (2) to provide such service and facilities as may be necessary and appropriate in carrying out the purposes of this joint resolution.

SEC. 4. If an agreement has not been reached thirty days prior to the expiration of the final period of time provided in section 3, the Board shall make a final report with recommendations to the President which shall be transmitted to the Congress by the President, along with a full and complete report of the dispute and his recommendations regarding terms or procedures which will assist in the final settlement of this dispute in the public interest and without further interruption of the continuity of transportation services by these carriers.

SEC. 5. (a) Upon suit by any of the parties to the aforesaid dispute or by the Attorney General the several district courts of the United States shall have jurisdiction to restrain any violations of sections 2 and 3 of this joint resolution. Whenever it shall appear to the court before which any proceeding under this section may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpoenas to that end may be served in any district by the marshal thereof.

(b) In granting an injunction or relief under this section, the jurisdiction of such court sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code, to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115).

SEC. 6. If, prior to the settlement of the dispute referred to in section 1, a dispute between any other air carrier and its employees shall in the judgment of the President, threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service after all procedures of the Railway Labor Act have been exhausted and have not resulted in a settlement of such dispute, the President is authorized to issue an Executive order reciting such findings; whereupon the provisions of sections 2, 3, 4, 5, and 7 shall become applicable to such dispute and to the parties thereto as though originally included in such provisions: *Provided,* That any such agreement referred to in section 3 shall provide that the wage settlement provision shall be retroactive to the expiration date of the prior collective bargaining agreement.

SEC. 7. Nothing in this joint resolution shall be construed to require an individual employee to render labor or service without his consent, nor shall anything in this joint resolution be construed to make the quitting of his labor or service by an individual employee an illegal act; nor shall any court issue any process to compel the performance by an individual employee of such labor or service, without his consent.

SEC. 8. The Secretary of Labor is hereby directed to commence immediately a complete study of the operations and adequacy of the emergency labor disputes provisions of the Railway Labor Act and the Labor-Management Relations Act. The Secretary is further instructed to report to the Congress by January 15, 1967, the findings of such study together with appropriate recommendations for such amendments to the Railway Labor Act and the Labor-Management Relations Act as will provide improved permanent procedures for the settlement of emergency labor disputes.

SEC. 9. If any provision of this joint resolution or the application thereof is held invalid, the remainder of this joint resolution shall not be affected thereby.

Mr. MORSE. Mr. President, I move that the vote by which the joint resolution was passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, when the Senate completes its business today, it stand in recess until 10 o'clock tomorrow morning.

The VICE PRESIDENT. Is there objection? Hearing none, it is so ordered.

UNEMPLOYMENT INSURANCE AMENDMENTS OF 1966

Mr. MANSFIELD. I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1390, H.R. 15119. I do this so that the bill will become the pending business.

The VICE PRESIDENT. The bill will be read by title.

The LEGISLATIVE CLERK. A bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Finance, with amendments.

Mr. MANSFIELD. Mr. President, I urge all Senators to be present tomorrow morning so that we may proceed with the consideration of the bill as soon as possible after 10 o'clock. This is a most important bill. I am sure that all Senators have received a great deal of correspondence on it as I have.

It will be appreciated if Senators stay in town and attend to this matter of business, so that we may proceed with the bill tomorrow.

Mr. President, the Senate need not proceed further with the consideration of the bill tonight, unless the Senator from Louisiana wants to make an introductory statement.

Mr. LONG of Louisiana. Mr. President, I would prefer to make the introductory statement tomorrow. I hope that we can vote on the big issue tomorrow, which is whether we will pass the Senate bill or the House bill. I hope that we reach a vote on this bill tomorrow.

Mr. MANSFIELD. Mr. President, the Senator from Louisiana and I have discussed that subject. I also hope that we reach a vote on the bill tomorrow.

Mr. DIRKSEN. Mr. President, I ask the majority leader now whether he hopes we can complete action on the unemployment compensation bill tomorrow.

Mr. MANSFIELD. Well, I hope so, and I think the prospects are fairly good.

COMMITTEE MEETINGS DURING SENATE SESSION TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent, with the concurrence of the minority leader, that all committees of the Senate be authorized to meet during the session of the Senate tomorrow.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, August 3, 1966, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent, since there was no period for the transaction of routine morning business today, that it be in order to lay before the Senate a Presidential message and communications, receive bills for introduction and refer them, and to print various routine matters in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

ENROLLED BILL SIGNED

The VICE PRESIDENT announced that on today, August 4, 1966, he signed the enrolled bill (H.R. 10220) for the relief of Abdul Wohabe, which had previously been signed by the Speaker of the House of Representatives.

REPORT ON STATUS OF PUERTO RICO (H. DOC. NO. 464)

The VICE PRESIDENT laid before the Senate a letter from the Chairman, U.S. Puerto Rico Commission on the Status of Puerto Rico, transmitting, pursuant to law, a report of that Commission, dated August 1966 which, with an accompanying report, was referred to the Committee on Interior and Insular Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ANDERSON, from the Committee on Interior and Insular Affairs, with an amendment:

H.R. 11671. An act to approve a contract negotiated with the El Paso County Water Improvement District No. 1, Texas, to authorize the execution, and for other purposes (Rept. No. 1429).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, without amendment:

S. 1684. A bill to direct the Secretary of the Interior to adjudicate a claim to certain land in Marengo County, Ala. (Rept. No. 1432).

By Mr. SYMINGTON, from the Committee on Armed Services, without amendment:

H.R. 13772. An act to authorize the disposal of metallurgical grade manganese ore from the national stockpile and the supplemental stockpile (Rept. No. 1431); and

H.R. 15485. An act to authorize the exchange of certain fluorspar and ferromanganese held in the national and supplemental stockpiles (Rept. No. 1430).

By Mr. MAGNUSON, from the Committee on Appropriations, with amendments:

H.R. 14921. An act making appropriations for sundry independent executive bureaus, boards, commissions, corporations, agencies, offices, and the Department of Housing and Urban Development for the fiscal year ending June 30, 1967, and for other purposes (Rept. No. 1433).

Mr. LONG of Louisiana subsequently said: Mr. President, I ask unanimous consent to print individual views of the Senator from Colorado [Mr. ALLOTT] in the report on H.R. 14921, filed earlier today by the Senator from Washington [Mr. MAGNUSON].

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE REPORTS OF COMMITTEE ON ARMED SERVICES

Mr. McINTYRE. Mr. President, from the Committee on Armed Services, I report favorably the nominations of 47 officers for promotion to the grade of temporary major general and 44 officers for promotion to the permanent grade of brigadier general in the Army. I ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. MONDALE in the chair). Without objection, it is so ordered.

The nominations, ordered to be placed on the Executive Calendar, are as follows:

Brig. Gen. John MacNair Wright, Jr., Army of the United States (colonel, U.S. Army), and sundry other officers, for temporary appointment in the Army of the United States; and

Brig. Gen. Horace Greeley Davisson, Army of the United States (colonel, U.S. Army), and sundry other officers, for appointment in the Regular Army of the United States.

Mr. McINTYRE. Mr. President, in addition, I report favorably the nominations of 142 officers for appointment and promotion in the Navy in the grade of lieutenant commander and below and the nominations of 600 officers for appointment in the Marine Corps in the grade of second lieutenant. Since these names have already appeared in the CONGRESSIONAL RECORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Peter J. Leniart, midshipman (Navad Academy), for permanent assignment in the Navy;

Donald L. Darnell (Navy enlisted scientific education program), for permanent assignment in the Navy);

Norvelle Curry, and sundry other Naval Reserve Officers, for assignment in the Navy;

James R. Moore (U.S. Navy retired officer), to be a chief warrant officer in the Navy, for temporary service;

Lt. (junior grade) Lloyd A. Huck, U.S. Navy, for promotion in the Navy;

Chief Warrant Officer Charles W. Bickel, for promotion in the Navy;

Joseph L. Renzetti, for transfer and appointment in the Navy;

Rodney A. Arena, and sundry other meritorious noncommissioned officers, for appointment to the grade of second lieutenant in the Marine Corps;

Michael L. Layson (Army Reserve Officers' Training Corps), for appointment to the grade of second lieutenant in the Marine Corps;

Richard J. Tipton (Army Reserve Officers' Training Corps), for appointment to the grade of second lieutenant in the Marine Corps; and

William E. Abbs, and sundry other staff noncommissioned officers, for appointment to the grade of second lieutenant in the Marine Corps.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KENNEDY of New York:

S. 3689. A bill to amend chapter 313, title 18, United States Code, to provide for the commitment of certain individuals acquitted of offenses against the United States solely on the grounds of insanity; to the Committee on the Judiciary.

(See the remarks of Mr. KENNEDY of New York when he introduced the above bill, which appear under a separate heading.)

By Mr. LONG of Missouri (for himself and Mr. SYMINGTON):

S. 3690. A bill for the relief of Albert Jelenic; to the Committee on the Judiciary.

By Mr. LAUSCHE:

S. 3691. A bill for the relief of Viktor Detschmann; to the Committee on the Judiciary.

By Mr. ANDERSON:

S. 3692. A bill to transfer to the AEC complete administrative control of approximately 78 acres of public domain land located in the Otowi Section near Los Alamos County; to the Committee on Interior and Insular Affairs.

By Mr. BOGGS:

S. 3693. A bill to amend the Internal Revenue Code of 1954 to exempt from income tax the interest on certain obligations of volunteer fire departments; to the Committee on Finance.

LEGISLATION TO PROVIDE FOR COMMITMENT FOR TREATMENT OF PERSONS ACQUITTED IN FEDERAL COURTS ON THE GROUND OF INSANITY

Mr. KENNEDY of New York. Mr. President, I introduce, for appropriate reference, a bill to provide for the commitment for treatment of persons who are acquitted of crimes in the Federal courts on the ground of insanity.

The senseless tragedy at the University of Texas earlier this week has once more brought to the public's attention a serious gap in the law of many of our States and in Federal law as well. Psychiatrists have pointed out that Mr. Whitman would undoubtedly have been acquitted of this terrible crime because he was so clearly insane. Yet, in many States and in the Federal courts, too, acquittal on the ground of insanity not only fails to result in care and treatment for the acquitted person, but also can result in a potentially dangerous person going free.

The law in our States ought to insure that sick men like Whitman will be treated for their illnesses and that the public will be protected. The bill I introduce today would insure that this problem is met insofar as trials occur in the Federal courts. I believe it can serve as a model for new legislation at the State level as well.

Because this gap in the law exists at the Federal level, I have been working on this matter for some time. It was brought to my attention earlier this year, when the U.S. Court of Appeals for the Second Circuit, which covers New York, Connecticut, and Vermont, adopted a new and broader standards of criminal responsibility to apply in criminal trials in the Federal district courts located in those States, and thereby increased the potential number of acquittals on the grounds of insanity. Rejecting the M'Naghten rules, which have governed the determination of insanity in most Anglo-American courts for over a century, the court in the case of United States against Freeman adopted the American Law Institute's suggested definition, which was proposed in 1962 as section 4.01 of its Model Penal Code. Under the M'Naghten rules, a finding of insanity occurred only if the defendant was unable to distinguish right from wrong at the time of his act. Insanity acquittals were, understandably, relatively rare under this narrow test. As a result of the Freeman decision, the courts in the second circuit will now apply a broader and far more realistic yardstick—whether at the time of his act the defendant—

> As a result of mental disease or defect . . . lack[ed] substantial capacity either to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law.

The second circuit is not the first court to adopt a standard of criminal responsibility more enlightened than the M'Naghten rules. The erosion of the M'Naghten rules began in 1954 with Judge Bazelon's opinion for the District of Columbia circuit in Durham against United States. The U.S. Court of Appeals for the 3d and 10th Circuits, as well as many State courts and legislatures—including New York, Connecticut, and Vermont—have since departed from M'Naghten, too.

All of these rulings reflects a judgment that those whose crimes occur because of mental illness should be treated for their illness rather than punished for their conduct. Based on the application of modern psychiatry to the law, these decisions reflect a retreat from the archaic practice of just imprisoning the mentally ill, which was the effect of the M'Naghten rules. But in the Federal area, this change has occurred without accompanying assurances to the acquitted defendant that he will receive the medical attention he needs, and to the public that it will be protected from unwise release of dangerous individuals. Federal law—apart from a special provision applicable in the District of Columbia—contains no provision for the commitment and treatment of those acquitted in the Federal courts on the ground of insanity. As a result, we have up to now relied on the States to step in and handle these federally acquitted defendants as they would persons acquitted on the same ground in their own courts. When the States have not done so, "not guilty on the ground of insanity" has turned out to be the same as "not guilty," and the defendant has gone free without receiving treatment for her illness.

The bill which I introduce today would remedy this situation by creating a procedure for commitment and treatment of those who are federally absolved of criminal responsibility for their actions. The major importance of this problem, in my judgment, is not a matter of numbers, although anyone acquitted could, of course, create danger to the public. But even in jurisdictions which have adopted more enlightened tests of criminal responsibility, the rate of acquittal on the ground of insanity runs only 2 to 3 percent of all criminal defendants each year. The basic point is that each of those acquitted on the ground of insanity may need care and treatment. It was for this reason that Judge Kaufman, speaking for the second circuit in the Freeman case, called on Congress to "explore its power to authorize commitment of those acquitted on grounds of insanity." My bill would authorize that commitment, and thereby provide the care and treatment that is the implied promise of an enlightened test of criminal responsibility. And in doing so it will provide a model code to guide any State which is considering action in this area.

Mr. President, this bill is based on three existing statutes:

First, the District of Columbia statute—enacted in response to the Durham case in 1955—which provides for the mandatory commitment of persons acquitted on the ground of insanity in the District (D.C. Code secs. 24–301 (d) and (e));

Second, the District of Columbia Hospitalization of the Mentally Ill Act, enacted just last year to modernize the law governing the civil commitment of the mentally ill in the District (D.C. Code sec. 21–501 et seq.); and,

Third, the Federal statute (18 U.S.C. 4247 and 4248) which governs the disposition of persons who are insane or incompetent at the time they complete a Federal criminal sentence.

I shall explain the extent of my reliance upon and conscious divergence from each of these three statutes as I proceed to explain the provisions of my bill.

The bill would add a new section 4249 to title 18 of the United States Code.

Subsection (a) provides that any person acquitted on the grounds of insanity in the Federal courts is to be held thereafter for up to 60 days for a psychiatric examination and a hearing on commitment for care and treatment, unless the court determines that there is no basis for believing that he is mentally ill in a dangerous way. He is to be held in "a suitable hospital or other treatment facility designated by the court." The phrase "suitable hospital or treatment facility" is used throughout the bill. Besides implying a right to treatment, it is intended to suggest that a person acquitted on the ground of insanity is under no circumstances to be confined in a jail-like institution. He has been acquitted, absolved of criminal responsibility. From that point on, his contact with governmental authority is solely medical in nature—to determine whether he needs institutional care and treatment, and to afford him the care and treatment itself if it is decided that he should have it. The bill therefore contemplates that all confinement following acquittal is to be in "a suitable hospital or other treatment facility."

Subsection (a) also provides the procedure for the psychiatric examination. There are to be two qualified psychiatrists, and the acquitted person is to be informed that he may pick one of them. The language on the latter point is based on comparable provisions in the District of Columbia Hospitalization of the Mentally Ill Act. The psychiatrists are to report their conclusions within 30 days after their appointment. The bill specifically directs that their findings and conclusions be accompanied by a full statement of their reasoning in support thereof. The court will need to know all the facts which the psychiatrists have considered relevant about the acquitted person and all the reasoning of the psychiatrists in arriving at their findings and conclusions—hence the bill's specificity on that point.

Subsection (b) governs the hearing which is to occur once the psychiatric reports are filed. In providing for a hearing, the bill is significantly different from District of Columbia Code section 24–301(d), which provides for the mandatory commitment of every person acquitted in the District of Columbia on the grounds of insanity.

Although the acquittal on the grounds of insanity is, in my judgment, a sufficient basis for holding the acquitted person for a psychiatric examination, there will be some instances in which commitment for any longer period is unwarranted insofar as the acquitted person is concerned and unneeded insofar as protection of the public is concerned.

The bill, therefore, does not provide for mandatory commitment, but rather makes commitment depend on a hearing as to the acquitted person's present mental condition. He was acquitted because of his mental condition at the time of the crime—or, more precisely, because the jury had a reasonable doubt concerning his mental condition at the time of the crime. His mental condition may have improved significantly by the time of acquittal. Or he may still be mentally ill, but not in a dangerous way.

The bill contemplates that the hearing will be held and the final decision ordinarily made within 30 days following receipt of the psychiatric reports. This is not an explicit requirement. However, since the bill provides that the acquitted person may be held for only 60 days, and since the psychiatrists have 30 days in which to report, it is the evident intention of the bill that the matter be concluded before the 60-day detention of the acquitted person ends, if that is at all possible.

Subsection (b) also requires that the acquitted person be represented by counsel at the hearing. This procedural safeguard is not contained in District of Columbia Code section 24–301(c). However, last year's District of Columbia Hospitalization of the Mentally Ill Act does contain this safeguard, and in my judgment, it is necessary to insure that only those who are no longer ill or do not endanger the public because of their illness will not be institutionalized.

The acquittal on the ground of insanity is the basis for the 60-day detention after acquittal. Beyond that, I do not believe the proceedings should really be much different from the usual civil commitment proceeding. The bill, therefore, contains the procedural safeguards which I have described, and provides further that the United States shall have the burden of proving by a preponderance of the evidence that the acquitted person should be institutionalized.

The standard which governs the court's determination under subsection (b) is twofold. To be committed for treatment, the acquitted person must be both mentally ill and, because of his illness, must constitute a danger either to himself or others, or to the officers, property, or other interests of the United States. This standard is different from those set forth in each of the three statutes on which the bill is based, for a number of reasons.

First, both section 24–301 of the District of Columbia Cole and 18 United States Code 4247 talk in terms of "sanity" and "insanity." My bill talks in terms of mental illness. This is the operative term in the District of Columbia Hospitalization of the Mentally Ill Act, and it is defined in the act to mean "a psychosis or other disease which substantially impairs the mental health of a person." I believe mental illness will be an easier and more realistic concept for courts, juries, and psychiatrists to deal with under this bill.

Second, the other part of the standard is a combination of section 24–301 of the District of Columbia Code and 18 United States Code 4247. The Federal Government has no generalized police power. Therefore, it probably has no power to hold someone whose release, because of a mental illness, "would constitute a danger to himself or others." The courts have held, however, that the United States does have the power to hold someone whose release, because of a mental illness, would "endanger the safety of the officers, property, or other interests of the United States."

Subsection (b) therefore contemplates that if the acquitted person's release is found to constitute a danger to himself or to others, but not to the safety to the officers, property or other interests of the United States, he will be turned over to State authorities. If his release would endanger the safety of the officers, property, or other interests of the United States, he will be turned over to the Surgeon General of the United States, who will provide him with medical and psychiatric care and treatment in a suitable hospital or other treatment facility.

As a practical matter, it is unlikely that there will be many cases in which a person will be found to be dangerous to himself or others, but not to the safety of the officers, property, or other interests of the United States. In the leading case of Royal against United States, the 10th Circuit Court of Appeals in 1960 held that a person would be dangerous to the safety of the officers, property, or other interests of the United States if it was probable that he would violate laws which the United States has "primary responsibility for enforcing," or that he would interfere with the rights which the United States has a "direct duty to protect." In the 10th circuit's view, the only interests which are not among the "other interests of the United States" to which 18 United States Code 4247 applies are those which are "general and indirect"—"promotion of the general welfare, protection of the peace and quiet of the community, or the observance of local or State laws."

Theoretically, therefore, there will be instances in which an acquitted person may be dangerous to himself or to others while not being dangerous to the interests of the United States. However, it is evident from the Royal case that the interests of the United States which are protected under 18 United States Code, 4247 are quite broad. Hence, it should not be necessary too often to turn over to a State a person who should be committed for treatment.

The requirement in the last sentence of subsection (b) that a person confined under this bill "shall receive medical and psychiatric care and treatment" is based upon the language in section 21–562 of the District of Columbia Code, which is the part of the District of Columbia Hospitalization of the Mentally Ill Act that expressly creates a right to care and treatment. This bill therefore contemplates that the adequacy of the treatment which a confined person is receiving will be relevant in later inquiries as to whether his commitment for treatment should be continued.

Subsection (c) provides that anyone committed to the custody of the Surgeon General under this bill will be released when he is no longer mentally ill, or when, even though he is still mentally ill, he is no longer mentally ill to the extent that his release would endanger the safety of the officers, property, or other interests of the United States. The release, under the bill, can be either unconditional or conditional—that is, under supervision—as the circumstances warrant.

Subsection (c) also provides for the unlikely possibility that a person would still be mentally ill and would be dangerous to himself or to others, but no longer dangerous to the safety of the officers, property, or other interests of the United States. In this unlikely event, subsection (c) directs that he be transferred to the custody of State authorities.

Subsection (d) provides that the superintendent of the hospital or other treatment facility where the acquitted person is confined may at any time certify to the court that the person should be either unconditionally released or conditionally released under supervision, or transferred to a State authority. The court can simply do as the superintendent of the treatment facility recommends or it can hold a hearing. If the United States objects, the court must hold a hearing. At any such hearing, the confined person has a right to counsel and a right to call a psychiatrist on his behalf. The United States is given the burden of proving by a preponderance of the evidence that the confined person's continued confinement is warranted.

Subsection (e) directs that the superintendent of the treatment facility file a report not less frequently than every 6 months about the confined person's mental condition. If the report amounts to one of the recommendations contemplated in subsection (d), the bill then provides that the provisions of subsection (d) will come into play. If the report is less than a recommendation for a conditional release or an unconditional release or transfer, subsection (e) provides that the court shall have the confined person's lawyer go interview him, or if he has no lawyer, shall appoint a lawyer to go interview him. Subsection (e) then provides for further action by the court based upon the advice it receives from counsel and upon its own examination of the superintendent's periodic report. Finally, subsection (e) provides that where the periodic report is submitted at a time when the acquitted person has been institutionalized for a period equivalent to the maximum sentence that he could have received, he will receive a hearing as a matter of right on the question of his continued confinement. And he is also entitled to a hearing as a matter of right on that question

at least every 2 years, if one has not been held under the provisions of subsections (d) or (e).

Mr. President, this is a carefully drawn bill in an area where legislation is needed. It will protect the public and at the same time bring medical treatment to persons who need it. Its guarantees of procedural due process, both at the time of commitment and in connection with release proceedings, are not only fair in themselves, but will also assure that assertion of the insanity defense will not be improperly discouraged. We in Congress should be grateful to the Second Circuit Court of Appeals for creating an impetus to overdue reform in our procedures for handling the criminally insane. That court has joined those who have recognized that primitive sanctions are not the answer to mental illness. Now Congress must act to provide the commitment for care and treatment that is the answer in this type of case. I ask unanimous consent, Mr. President, that the full text of the bill be printed in the RECORD at the close of my remarks, so that other Senators may have the chance to examine it in full.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3689) to amend chapter 313, title 18, United States Code, to provide for the commitment of certain individuals acquitted of offenses against the United States solely on the grounds of insanity, introduced by Mr. KENNEDY of New York, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3689

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) chapter 313, title 18, United States Code, is amended by adding at the end thereof the following new section:

"§ 4249. Commitment of certain individuals acquitted of offenses against the United States on the ground of insanity

"(a) Whenever any person charged with an offense against the United States is acquitted solely on the ground that he was insane at the time of its commission, that fact shall be set forth by the jury in their verdict, and the trial court in which the proceedings which resulted in his acquittal were conducted shall order such person to be committed for a period of not to exceed sixty days to a suitable hospital or other treatment facility designated by the court for an examination to determine his mental condition; except that, if the court determines, on the basis of the record of the trial or other available evidence or data, that such person is not mentally ill to the extent that his release would constitute a danger to himself or others, or would endanger the safety of the officers, property, or other interests of the United States, the court may order his immediate release. Upon such commitment, the court shall cause such person to be examined as to his mental condition by two qualified psychiatrists. Such psychiatrists shall be designated by the court, except that the person to be examined shall be informed that he has the right to select one of the two psychiatrists to be so designated. The participation of such a psychiatrist shall be at the expense of the allegedly mentally ill person, unless he is indigent, in which case the Surgeon General shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to participate in the examination in his behalf. The psychiatrists so designated shall, within thirty days after their designation, file their reports with the court setting forth their findings and supportive reasoning with respect to such examination, including their conclusions and supportive reasoning as to whether such person is mentally ill, and whether, because of such illness, his release would constitute a danger to himself or others, or would endanger the safety of the officers, property, or other interests of the United States. During the period of his commitment for an examination under this subsection, such person shall also, upon giving his written consent, receive medical and psychiatric care and treatment.

"(b) Upon receipt of the reports referred to in subsection (a) of this section, the court shall promptly schedule a hearing to determine whether the person with respect to whom such reports were filed is mentally ill, and whether, because of such illness, his release would constitute a danger to himself or others, or endanger the safety of the officers, property, or other interests of the United States. The alleged mentally ill person shall be represented by counsel at that hearing, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. The court shall cause a written notice of the time and place of the hearing to be served personally upon the person with respect to whom the report was made and his attorney. The court shall determine the person's mental condition on the basis of the reports of the psychiatrists, and on such further evidence in addition to the report as the court requires. At such hearing, the examining psychiatrists may be called as witnesses, and be available for further questioning by the court and cross examination by such person or on behalf of the Government. The court may, in its discretion, call any other witness for the acquitted person, except that the court shall call any witnesses requested by the parties. If, after the hearing, the court shall determine, on the basis of a preponderance of the evidence, that the person is mentally ill, and that, because of such illness, his release would constitute a danger to himself or to others, the court shall notify the proper authorities of the State (including the District of Columbia), territory, or possession where such person has his legal residence, or, if this cannot be ascertained, the proper authorities of the State, territory, or possession wherein he was charged with the offense for which he was acquitted, of the determination of the court, and shall cause such person to be delivered into the custody of the proper authorities thereof. If the court determines that the person is mentally ill, and that, because of such illness, his release would endanger the safety of the officers, property, or other interests of the United States, the court shall commit the person so acquitted to the custody of the Surgeon General or his authorized representative, who shall confine such person in a suitable hospital or other treatment facility where he shall receive medical and psychiatric care and treatment; except that, if the court determines on the basis of the record of the trial or other available evidence or data that such person is in a condition to be conditionally released, the court may order his release under such conditions as it may require.

"(c) Whenever a person shall be committed to the custody of the Surgeon General or his representative for confinement by him pursuant to subsection (b) of this section, such person's commitment shall run until he is no longer mentally ill, or if mentally ill, is no longer mentally ill to the extent that his release would endanger the safety of the officers, property, or other interests of the United States. In either of these events he shall be released, unless he is still mentally ill to the extent that his release would constitute a danger to himself or to others, in which case he shall be delivered into the custody of the proper authorities of the State (including the District of Columbia), territory, or possession where he has his legal residence, or, if this cannot be ascertained, of the State, territory, or possession wherein he was charged with the offense for which he was acquitted.

"(d) Where any person has been confined by the Surgeon General in a hospital or other treatment facility pursuant to subsection (b) of this section and the superintendent of any such hospital or the head of any such treatment facility certificates that, in his opinion, such person is no longer mentally ill to the extent that his release would endanger the safety of the officers, property, or other interests of the United States and that the person is entitled to his unconditional release or transfer from such hospital or treatment facility in accordance with the provisions of subsection (c), and such certificate is filed with the clerk of the court in which the person was tried, and a copy thereof served on the United States Attorney, such certificate shall be sufficient to authorize the court to order the unconditional release or transfer of the person so confined at the expiration of fifteen days from the time such certificate was filed and served as above; but the court may, or upon objection of the United States shall, after due notice, hold a hearing at which evidence as to the mental condition of the person so confined may be submitted. Such person shall be represented by counsel at that hearing, and if he fails or refuses to obtain counsel, the court shall appoint counsel to represent him. Such person may call a qualified psychiatrist to examine him and testify in his behalf at the hearing. The participation of such psychiatrist will be at the confined person's expense, unless he is indigent, in which case the Surgeon General shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to testify in his behalf. In any such hearing, the United States shall have the burden of proving by a preponderance of the evidence that such person's continued confinement is warranted. The court shall weigh the evidence and, if the court finds that the person is no longer mentally ill to the extent that his release would endanger the safety of the officers, property, or other interests of the United States, the court shall order such person unconditionally released from further confinement or transferred in accordance with the provisions of subsection (c). If the court does not so find, the court shall order the continued confinement of such person in the hospital or other treatment facility to which he was previously committed. Where, in the judgment of the superintendent of such hospital or the head of any such treatment facility, a person confined by the Surgeon General or his representative pursuant to subsection (b) of this section is not in such condition as to warrant his unconditional release or transfer, but is in a condition to be conditionally released under supervision, and such certificate is filed and served as hereinabove provided, such certificate shall be sufficient to authorize the court to order the release of such person under such conditions as the court shall see fit at the expiration of fifteen days from the time such certificate is filed and served pursuant to this section. The provisions as to hearing prior to unconditional release or transfer shall also apply to conditional releases, and, if, after a hearing and weighing the evidence, the court shall find that the condition of such person warrants his conditional release, the court shall order his release under such conditions as the court shall see fit, or, if the court does not so find, the court shall order the con-

tinued confinement of such person in the hospital or other facility to which he was previously committed.

"(e) The superintendent of any hospital or the head of any treatment facility in which any person is confined by the Surgeon General or his representative pursuant to subsection (b) of this section shall, upon the expiration of 90 days following such commitment, and not less frequently than every six months thereafter during the confinement of any such person, submit to the court a written report with respect to the mental condition of such person, together with the recommendations of such superintendent or head concerning the continued confinement of such person. Upon the recipt thereof, the court shall examine it to see if it is substantially the same as a certificate under subsection (d), in which case such report and recommendations shall be deemed to be a certificate within the purview of subsection (d) and the provisions of that subsection shall be applicable. If it is not, the court shall order the confined person's counsel to interview him, or if the confined person no longer has counsel, shall appoint counsel to interview him. Counselor shall, on the basis of such interview, recommend to the court whether he believes such person's further confinement is warranted under the standard set forth in subsection (c). Based on counsel's recommendation and on its own examination of the periodic report and recommendation, the court may order (1) such person's unconditional release, conditional release, or transfer, (2) the continued confinement of such person in the hospital or other treatment facility to which he was previously committed, or (3) a hearing at which evidence as to the mental condition of the person so confined may be submitted. The court, upon objection of the United States to any such proposed order of release or transfer under clause (1) of this subsection, shall, after due notice, hold a hearing at which evidence as to the mental condition of the person so confined may be submitted. In any case in which the court intends to order the continued confinement of such person under clause (2) of this subsection, the court shall, at the request of such person and prior to entering such order, hold such a hearing if, at the time of the submission of the periodic report with respect to such person, his period of confinement pursuant to subsection (b) of this section has exceeded the maximum period to which he could have been sentenced upon conviction of the count or counts contained in the indictment charging him with the offense or offenses of which he was acquitted by reason of insanity. Notwithstanding any other provision of this section, in any case in which the court intends to enter an order continuing the confinement pursuant to clause (2) of a person with respect to whom a periodic report has been submitted, the court shall, at the request of such person and prior to entering such order, hold a hearing at which evidence as to the mental condition of such person may be submitted, if, for the two-year period immediately prior to the submission of such report, such person was confined for such period pursuant to subsection (b) and did not, during such period, have a hearing under this section with respect to his mental condition. Such person shall be represented by counsel at any such hearing and may call a qualified psychiatrist to examine him and testify in his behalf. The participation of such psychiatrist will be at the confined person's expense, unless he is indigent, in which case the Surgeon General shall, upon the written request of such person, assist him in obtaining a qualified psychiatrist to testify in his behalf. In any such hearing the United States shall have the burden of proving by a preponderance of the evidence that such person's continued confinement is warranted. The court shall weigh the evidence and, if the court finds that the person is no longer mentally ill to the extent that his release would endanger the safety of the officers, property, or other interests of the United States, the court shall order such persons unconditionally released from further confinement or transferred in accordance with the provisions of subsection (c) or conditionally released. If the court does not so find, the court shall order the continued confinement of such person in the hospital or other treatment facility to which he was previously committed.

"(f) Nothing contained in this section shall preclude a person committed under the authority of subsection (b) of this section from establishing his eligibility for release by a writ of habeas corpus. The Surgeon General or his authorized representative shall have authority at any time to transfer a person committed to his custody under this section to the proper authorities of the State (including the District of Columbia), territory, or possession of such person's residence.

"(g) Whenever counsel is appointed in accordance with the provisions of this section, he shall be awarded compensation by the court for his services in an amount which accords with section 3006A(d) of this title. The compensation shall be charged against the estate of the individual for whom the counsel was appointed, or, if such individual is indigent, against funds appropriated under section 3006A(h) of this title. Whenever a psychiatrist is obtained to participate in the examination of an indigent person in accordance with the provisions of this section, he shall be awarded compensation for his services in an amount which accords with section 3006A(e) of this title. Such compensation shall be charged against funds appropriated under section 3006(A)(h) of this title.

"(h) The provisions of this section, except to the extent otherwise specifically provided therein, shall not be applicable to the District of Columbia."

(b) The chapter analysis of chapter 313, title 18, United States Code, is amended by adding at the end thereof the following new item:

"4249. Commitment of certain individuals acquitted of offenses against the United States on the ground of insanity."

STIMULATION OF FLOW OF MORTGAGE CREDIT FOR FEDERAL HOUSING ADMINISTRATION AND VETERANS' ADMINISTRATION ASSISTED RESIDENTIAL CONSTRUCTION—AMENDMENT

AMENDMENT NO. 726

Mr. COOPER submitted an amendment, intended to be proposed by him, to the bill (S. 3688) to stimulate the flow of mortgage credit for Federal Housing Administration and Veterans' Administration assisted residential construction, which was ordered to lie on the table and to be printed.

ADDITIONAL COSPONSORS OF BILLS

Mr. McCLELLAN. Mr. President, I ask unanimous consent that at the next printing, the names of the senior Senator from North Carolina [Mr. ERVIN], the senior Senator from Nebraska [Mr. HRUSKA], and the junior Senator from Pennsylvania [Mr. SCOTT] be added as cosponsors to the bill (S. 2191) to provide for the civil commitment of certain persons addicted to the use of narcotic drugs.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at the next printing of the bill (S. 3514) to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health, the names of the junior Senator from Wisconsin [Mr. NELSON] and the junior Senator from Maryland [Mr. TYDINGS] be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELEASE OF HEARINGS IN CLOSED SESSION ON GENEVA TRADE NEGOTIATIONS HELD BY THE COMMITTEES ON SMALL BUSINESS AND AGRICULTURE

Mr. SPARKMAN. Mr. President, on September 9, 1965, a joint session was convened by the Senate Committees on Small Business and Agriculture and Forestry to review U.S. offers to negotiate on agricultural commodities in the Kennedy round trade discussions at Geneva. The distinguished chairman of the Committee on Agriculture, Senator ELLENDER, and I feel that it is now appropriate to release the record of these hearings. The volumes will be distributed through the regular channels of the two committees and subsequently will be available at both committee offices.

Articles appearing in the press indicate that certain agreements have been reached on farm issues by the nations of the European Economic Community. It was gratifying to note that the EEC nations had arrived at a "common agricultural policy" at Brussels last month.

Members of this body, and the American people as a whole, I believe, have consistently wished the nations of the Common Market well in their efforts to agree upon a common policy that will help all of their people.

It is a fair observation that officials in this country have restrained themselves from public debate as to the conduct of these discussions, and the specific policies decided upon. It should be clear, however, that members of this body and its cognizant committees are aware of the consequences of these arrangements as they are described in public reports, a sampling of which I shall ask to be included at the conclusion of my statement. Knowledgeable people have commented that certain countries stand to benefit from these EEC agricultural policies and others would be disadvantaged.

There should be no mistaking the fact that the Members of this body are conscious of their responsibilities as they relate to the possible adverse impact of the Geneva negotiations in agricultural and other commodities upon the United States.

We applaud the progress which has been made by the EEC nations in resolving their intramural differences so that international negotiations can now proceed. At Geneva, we expect hard bargaining. However, we also expect, and the people who elected us expect, that

American producers will be able to compete for the share of EEC markets to which their efficiency entitles them.

I feel that it is timely to advise our friends in Western Europe of our sincere feelings in these important matters.

It is pertinent to note, for instance, that the Committee for Economic Development pointed out in 1964 that nearly all Europeans would stand to suffer from political restrictions on trade in agricultural products in the following ways: Consumers would pay higher prices; internal resources would become committed to uneconomic uses; labor shortages would be intensified; and the higher prices of food would be reflected in increased costs of manufactured goods and services across their whole economy.

This observation is confirmed by the recent remarks of the secretary-general of the European Free Trade Association, Sir John Coulson, who has also pointed out in a recent copy of the EFTA Reporter that nations such as Denmark have experienced injury in the course of applying the new EEC agricultural policy.

Our September joint hearing produced graphic evidence of how the restrictive tariff and nontariff barriers of the EEC have already injured exporters of American agricultural products. It was also shown how our industry and balance of payments can suffer in the future by placing barriers in the way of our establishing a "historical share" of the rapidly developing European market in meat products. Those who read the hearings will find expressed a deep concern, as well as suggestions that action be taken along lines previously legislated by the Congress.

For the present, our committees are withholding their judgments on these issues. We hope that, by doing so, we may give the Geneva round of negotiations increased prospects of success. However, the patience of the Members of this body is not inexhaustible; just as the patience of the millions of businessmen, ranchers, and farm families whom we serve is not inexhaustible.

In the interim report of the Small Business Committee on livestock exports, filed with the Senate on October 22, 1965, the committee had this to say:

The Kennedy round negotiations will provide unparalleled opportunities to strengthen the bonds of trade, friendship, and alliance.

However, based upon existing and recently announced potential restrictions in beef and the curtailment of the trade in poultry which American exporters have experienced since 1962, a real and ugly possibility exists that political barriers may be used as a device for the exclusion of American (meat and livestock products) from the Common Market.

Such political decisions would foreclose possibilities of expanding long-term U.S. export markets, regardless of the relative efficiency of our production, transportation, and efforts at market development.

The responsibility for evaluating these possibilities falls upon the governments involved, for this is entirely a governmental matter.

This committee takes a very serious view of these matters and is presently looking into them further.

As was recently pointed out by Mr. Fred Borch, the chief executive officer of the General Electric Co., in the spring issue of Forum magazine:

The nations of Western Europe and North America have shared in the last 20 years a common progress, based largely on the expansion of international trade and for the future, we need to be partners in the fullest sense.

It is our hope that this partnership will develop and flourish out of a recognition of the mutual possibilities and political problems which elected officials in all our countries face. None of us wish to face the consequences of the nonrecognition of these problems and possibilities.

I ask unanimous consent that the material to which I have referred be included in the RECORD at this point for the information and consideration of those who are concerned with this important matter.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 25, 1966]

COMMON MARKET MEMBERS AGREE TO POLICY OF INFLATIONARY, PROTECTIONIST FARM PRICES

BRUSSELS.—A protectionist and inflationary agricultural-price package was agreed upon by the Common Market.

It is a package which affects 10 million farmers and 180 million consumers in France, Italy, West Germany, Belgium, the Netherlands and Luxemburg. The net effect will be that these consumers ultimately will be paying more money for such farm products as meat, milk, cheese, rice, fruits and vegetables and related products.

Most Common Market sources say prices have been set at too high a level. Maurice Couve de Murville, French foreign minister, protested as the program took shape. But France went along with the package since the only way to achieve agreement seemed to be by setting high prices on the various commodities up for consideration in the unified farm policy.

In a marathon meeting which ended at 5 a.m. Sunday, the Common Market Council of Ministers finally solved many of the key pricing problems of the six-nation community's single farm policy.

That agreement paves the way for completion of the Common Market position for negotiating farm-trade liberalization under the Kennedy Round of tariff cuts, so called because authority for U.S. participation was concluded under the Kennedy Administration. The council is scheduled to meet again here tomorrow to complete its position in this round, which is being conducted in Geneva by the General Agreement on Tariffs and Trade.

But a review of the farm-commodity-prices level from which the Common Market will negotiate may not please American Government negotiators.

COMMON MARKET FARM TRADE

The U.S. has a sizable stake in Common Market farm trade, which has been rising steadily ever since formation of the European Economic Community. In 1965, U.S. exports of farm products to the Common Market amounted to $1.5 billion, according to the U.S. Department of Agriculture. EEC sources say the total is currently running at a $1.6 billion annual rate.

But, prices within the EEC are of vital importance to that U.S. farm trade. The Common Market, on most agricultural products, has a variable-levy import system. The duty assessed is the difference between lower world market prices and the higher EEC internal prices. The higher the EEC sets its internal prices, the higher the duty for American exporters to surmount. Moreover, the higher EEC prices go, the more will EEC farmers be stimulated to produce the products which American farmers might want to supply.

Thus on a product with a world market price of $1, an EEC price of $1.25 would result in a 25 cent duty on American or other imported products. And the high $1.25 price might stimulate many EEC farmers to produce more of that item than they would if faced by prices closer to the world level.

The marathon meeting of EEC's Council of Ministers debated the issue of prices through most of the sessions. The package finally agreed upon setting the following price levels within the community: Beef on the hoof, $662.50 a metric ton (2,200 pounds); milk, 9.5 cents a quart; sugar beets, $170 a metric ton; and soft wheat, $106.25 a metric ton, with a scale of prices on other grains geared to the soft wheat price.

A complicated crisis price system has been established for fruits and vegetables. Under this system, prices will be supported when they fall to the crisis level, with the support fund amounting to about $60 million a year. Estimates are that two-thirds of this fund will go to Italy, the biggest producer of fruits and vegetables in the Common Market.

Prior to the opening of the pricing debate, the EEC Executive Commission had submitted its suggested scale of prices on commodities. In its report the commission said: "Prices at farm will increase in every country except Italy and West Germany under this proposal."

After the meeting, one EEC source said: "The agreed price list was higher in every case than the schedules suggested by the commission. So you can draw your own conclusions about their inflationary effects."

INFLATION FEARED

One official of the Dutch delegation said: "We are having an inflationary spiral in the Netherlands now. The new milk price will only add to that inflation." The Netherlands is a leading milk producer on the Continent. While Dutch farmers may appreciate the high prices for their products, Dutch consumers certainly won't. Some sources fear that demands for higher wages may mount, once trade union members begin to feel the effects of the higher farm prices, not only in the Netherlands but throughout the Six.

The Council of Ministers also set production quotas for sugar totaling 6,480,000 metric tons annually of refined sugar. The total included 1,750,000 tons for West Germany, 2,400,000 tons for France, 1,230,000 tons for Italy, 550,000 tons for the Netherlands and 550,000 tons for Belgium-Luxemburg.

The high quotas, plus a price level that is considered extremely generous, probably mean that the Common Market will become a surplus sugar producer, sources here concede. Expectations are that the beef price also will encourage farmers in the group to expand cattle output.

Yesterday's agreement means that the Six have established a farm-marketing system with price schedules for 86 percent of Common Market farm production. These cover grain, pork, poultry, eggs, beef and veal, rice, sugar, and fruits and vegetables. Prices for fats and oils are to be established this fall. No policy has been established yet for wines and tobacco, so these products remain outside Common Market regulation.

Kennedy-Round negotiators have been waiting for months for the Common Market to organize its agricultural markets. Until the EEC had set its prices for sugar or beef, for instance, it couldn't negotiate any tariff reductions on these items. The new agreements will allow the Common Market to develop a Kennedy-Round position in agriculture.

Earlier, the Executive Commission estimated that the Common Market's system of levies plus farm payments by individual nations will result in creation of a fund amounting to about $1.6 billion annually. "Since ministers were so generous in establishing the price levels on various commodities, it appears that the estimate of the fund's size may be very conservative," one commission spokesman said.

A total of $285 million annually of that fund is to go to modernize agriculture in the Common Market.

The remainder will go to subsidize exports through payments of the higher domestic prices to EEC farmers when products must be exported at lower world market prices. In contributions to the fund the following percentages will apply: Italy, 20.3 percent; France, 32 percent; West Germany, 31.2 percent; the Netherlands, 8.2 percent; Belgium, 8.1 percent and Luxemburg, 0.2 percent.

[From the Wall Street Journal, May 12, 1966]

COMMON MARKET AGREES ON FARM FINANCING AND AN END TO INTERNAL INDUSTRIAL TARIFFS

BRUSSELS.—Common Market foreign ministers, after a year of haggling that was marked by a seven-month French boycott, have finally come to terms on agricultural financing and internal tariffs on industrial goods.

The representatives of France, West Germany, Italy, the Netherlands, Belgium and Luxemburg agreed to establish a $1.6 billion fund for switching farm control by mid-1968 from national governments to the European Economic Community, or EEC, as the Common Market is formally known.

The ministers further agreed that all tariffs on industrial goods moving within the six-nation trading bloc will be eliminated by July 1, 1968. That would be a year later than had been anticipated, but still 18 months ahead of the goal laid down in 1957 by the Treaty of Rome.

Internal tariffs within the EEC currently stand at 20% of their original levels at the time the Common Market was created by that Rome accord nine years ago. Of the remainder, five percentage points will come off July 1, 1967, and the rest a year later.

The ministers also agreed to erect a common tariff wall against goods from outside the EEC by that July 1, 1968 deadline.

OUTSIDERS LOOKING IN

For traders outside the Common Market, including the U.S., the multipronged agreement will likely mean some major changes in trade patterns. The latest accords will push EEC members to rely more heavily on their partners for the goods they need, to the possible exclusion of exporters from nonmember lands. Especially hurt may be the U.S. current $1.2 billion of annual farm-product sales to the Common Market.

The elusive agreement took some 13 months to tie down. When an agreement on farm financing wasn't reached by last June 30—despite persistent proding by French President de Gaulle—France huffed out of Common Market meetings and refused to participate in many EEC affairs.

At one point in the deadlock, some observers were predicting that the crisis would pull the Common Market apart. Early this year, however, the partners managed a compromise that got them talking again.

Under the agreement finally worked out, the EEC's nine-man executive commission will gradually take control of the community's farm policies over the next two-year period.

The commission will have at its disposal an EEC fund of about $1.6 billion. Half of the money will come from Common Market levies on food imported from nonmember countries, and the rest will come directly from the treasuries of the member governments. France will put up 32 percent of the total national contributions, West Germany 31.2 percent, Italy 20.3 percent, the Netherlands 8.2 percent, Belgium 8.1 percent and Luxemburg 0.2 percent.

The fund will be expended for two main ends. Part of it will go to support EEC farm-product exports to nonmember lands, while the rest will be spent on modernizing farming within the community.

France will get about 40 percent of the export funds to make its cereal grains and other products competitive in world markets. Holland will get help for its dairy products, Italy for its fruits and vegetables and Belgium for beet sugar.

As part of the community-wide farm control, the EEC will start imposing uniform marketing and quality standards for olive oil starting this November, for fruits and vegetables starting November 1967, for grains, pork, fats and oils in July 1967, for rice in September 1967, for dairy produce and beef in April 1968 and for sugar in July 1968.

FRANCE SEEN AS CHIEF GAINER

The marketing programs will establish community-wide prices for each farm commodity, but these prices, except for grains, have still to be set and could be a continuing source of friction within the EEC. France, with its highly productive farm community, wants low prices; the less efficient, highly subsidized West German farmers would prefer high price supports.

To French Foreign Minister Maurice Couve de Murville, the farm agreement represents a "satisfactory solution for all." To others, however, France is clearly the chief beneficiary. And France, itself, would argue that this was just, as West Germany was the principal gainer when France dismantled her industrial tariffs and permitted German sales to soar on French soil.

West Germany, even while agreeing to the new farm and internal-tariff regulations, made it clear the package still could be pulled back if certain conditions aren't met.

West Germany, for one, is insistent that France and the other partners get down to work on a Common Market stance for the world tariff-cutting negotiations being sponsored by the General Agreement on Tariffs and Trade. The U.S. went into these talks calling for a 50 percent cut in tariffs.

West Germany, too, may take another look at the package in June or July, after ministers of the North Atlantic Treaty Organization members meet on the crisis that French plans to withdraw from the defense group have caused.

EEC COUNCIL ACHIEVES MAJOR BREAKTHROUGH—DECISIONS TAKEN ON FARM FINANCING AND CUSTOMS UNION

The EEC Council of Ministers reached the most important Community agreement in the past two years when at 5 a.m. on May 11 it decided on the financial regulation for the common agricultural policy and set a firm date for full establishment of the customs union.

The Council marathon followed a tradition for making some of the most important decisions in the development of the EEC. The first steps toward the May 11 decisions were taken on March 31, 1965, when the Commission presented its farm financing proposals to the Council. But talks were interrupted for seven months, from July, 1965 to February, 1966, by a crisis resulting from French absence from the Council.

The decisons taken after Council meetings on May 4–5 and 9–11 will permit the Council to devote its full attention to the Kennedy Round trade negotiations in Geneva and to the remaining aspects of the common farm policy. The German and Dutch delegations made it clear that the May 11 decisions were conditional on early progress in Geneva as well as on a common approach to commercial credit policy toward Communist countries.

INDUSTRIAL CUSTOMS UNION TARGET DATE: JULY 1, 1968

The Council set the date for the complete free movement of industrial products within the Community on July 1, 1968, one and a half years ahead of the schedule foreseen in the Treaty of Rome. The common external tariff will also be fully applied from that date.

In the industrial sector, tariffs among the member states are 80 per cent below their original January 1, 1957 level; the latest 10 per cent reduction was on January 1, 1966. The Council decided that an additional five per cent cut will be made on July 1, 1967, and the remaining 15 per cent will be eliminated a year later.

National tariffs on industrial goods from non-member countries are being adjusted to the common external tariff level, a process which is already 60 per cent completed. The final move will take place on July 1, 1968.

COMPLETION OF AGRICULTURAL POLICY

The Council is to decide by July 1, 1968 on remaining regulations and common prices necessary for achieving the agricultural customs union. It also set a timetable for applying those decisions (see box).

The six Community countries already apply a common policy to agricultural products amounting to 85 per cent of their total output. EEC market organizations which have been in force since mid-1962 cover wheat and feed grains, pork, eggs and poultry, fruit and vegetables and wine. Since autumn 1964, rice, beef and veal, and dairy products have been under a Community policy, and other market organizations will be established according to the Council timetable.

COMMON PRICES TO BE SET

Commensurate with setting up market organizations to buy up surpluses, to grant export subsidies for selling them on the world market, and to protect Community farmers against outside competition, EEC farm policy calls for establishment of common prices throughout the Community.

Until these common prices come into effect, member countries apply different prices with preferences for Community products over imports from non-members. Common prices for grains were determined by the Council in December 1964 and will be applied on July 1, 1967. Other common prices will be applied as foreseen in the Council timetable.

The Commission will also make proposals by the end of 1966 for the market organization for tobacco, including changes in state monopolies and the removel of tax discrimination. Successful completion of work on these measures would lead to application of the market organization on July 1, 1968. Proposals will also be made for ordinary wines by March 1, 1967, and the market organization would go into effect no later than October 31, 1969.

AGRICULTURAL FINANCING DETERMINED

The European Agriculural Guidance and Guarantee Fund (EAGGF) was created in July, 1962 to finance the various measures of the common agricultural policy including market interventions, export rebates, and farm improvements. The provisions concerning the Fund's operations, which were decided by the Council in January 1962, expired on June 30, 1965.

The new regulation passed by the Council on May 11 applies to the time from June 30, 1965 to the end of the EEC's transition period on December 31, 1969. However, separate provisions governing the Fund have been decided for two periods, one going from June 30, 1965 to June 30, 1967, and the other from July 1, 1967 to December 31, 1969. (The Fund makes payments retroactively and can therefore reimburse for expenditures in a previous year.)

Full Community responsibility for financing farm policy expenditures will begin on July 1, 1967 where a market organization exists for a product and will, for other products, begin on the same date that later market organizations come into force.

EAGGF OPERATIONS IN 1965–67

In 1964–65, the EAGGF reimbursed half of eligible agricultural policy expenditures, member states' governments directly paying the other half themselves. For the period from 1965 to 1967, two alternatives were left open by the Council for the gradual assumption of full Community responsibility for agricultural financing.

Under the first alternative, four-sixths of all farm policy spending would come from the Fund in 1965–66 and five-sixths in 1966–67. This progression depends on a number of decisions on market organizations and common prices being adopted by the Council before July 1 of this year. If this deadline is not met, the progression will be six-tenths and seven-tenths for the two seasons, with the move to full financing still to take place on July 1, 1967 for products subject to a common market organization.

TIMETABLE FOR AGRICULTURAL PRODUCTS

The EEC Council on May 11 accepted the following timetable for the entry into force of remaining elements of the common agricultural policy:

November 1, 1966: Common market organization and common price for olive oil.

January 1, 1967: Completion of market organization for fruits and vegetables and application of quality standards for fruits and vegetables sold within the producing country.

July 1, 1967: Common prices for grains. Free movement of poultry, pork, and eggs. Common market organization for sugar, fats and oils. Common price for oil seeds. Application of basic criteria of policy on state aids to agriculture.

September 1, 1967: Common price for rice.

April 1, 1968: Common prices for milk, dairy products, beef and veal.

July 1, 1968 (at the latest): Common price for sugar.

For the two seasons, 1965–66 and 1966–67, the Fund's resources will come from member states' contributions according to the following key:

[In percent]

	1965–66	1966–67
Belgium	7.95	7.95
France	32.58	29.26
Germany	31.67	30.83
Italy	18.00	22.00
Luxembourg	.22	.22
The Netherlands	9.58	9.74

FINANCING FROM 1967–69

From July 1, 1967 to the end of the transition period, the EAGGF will obtain its resources in two ways, variable levies on agricultural imports and contributions of the member states. Ninety per cent of levies on agricultural imports will go to the Fund, covering about 45 per cent of its expenditure. The rest of the cost will be shared by member states according to the following scale:

	Percent
Belgium	8.1
France	32.0
Germany	31.2
Italy	20.3
Luxembourg	.2
The Netherlands	8.2

The expenditures of the Fund will continue to cover eligible market interventions and export rebates as well as structural modernization programs. It was earlier determined that the expenditure on these modernization programs would equal one-third of total expenditures on market interventions and export rebates. The Council, however, decided to change the method of calculating export rebates, figuring the subsidies on the basis of gross exports rather than net exports (exports minus imports) as originally planned.

The possibly higher amounts which would have to be spent on modernization programs to retain the one-third ratio led the Council to place a ceiling on this part of the Fund's expenditures. The ceiling was set at $285 million a year with the provision that the Fund, under certain circumstances, may cover 45 per cent of the total cost of each modernization project instead of the earlier limit of 25 per cent.

FUND TO RECEIVE ALL LEVIES AFTER 1969

After the end of the transition period on December 31, 1969, the EAGGF is to cover all agricultural expenditures, and all levies on agricultural imports are to go to the Fund. The Council agreed to take the necessary steps to assure this development on schedule. Five delegations went on record as calling for examination of increased powers for the European Parliament at the same time as these steps are taken.

The Council decided on certain lump sum payments to compensate for the failure to establish some market organizations as agreed earlier. Italy will receive $45 million for structural improvements in the fruits and vegetables and olive oil sectors for 1965–66 and $15 million for the tobacco sector for 1967–68. Belguim will receive up to $4 million a year for the marketing of sugar during three seasons beginning with 1965–66.

DIVERSION OF CUSTOMS RECEIPTS

The Council also discussed the redistribution of customs duties receipts after the industrial customs union goes into effect on July 1, 1968. There will be no duties between member states, and the common external tariff will be in effect after that date. A problem will arise when the port of entry of imported goods is not in the same country for which the goods are destined—thus a diversion of customs receipts could occur. The Council agreed that a decision on redistribution of customs duties would be needed if diversion occurred in spite of preventive administrative procedures it adopted.

The Soviet zone of occupation in Germany was declared not to be a "third country" according to the agricultural financing regulation; therefore agricultural exports to it are not eligible for Community rebates.

A resolution was also agreed upon by the Council on the balanced development of the Community, calling for early action on proposals for tax harmonization, commercial policy, social policy, regional policy, and European companies law, and a European patents law.

A NOTE ON EEC AGRICULTURAL POLICY

The Treaty of Rome prescribes that the Common Market will extend to agricultural products. On January 14, 1962, the Council of Ministers took the first major decisions concerning a common agricultural policy for the Community which went into effect on July 1, 1962. It was decided that the seperate national agricultural policies would be replaced by a single EEC policy including common financing, common responsibility, and a Community-wide market without national barriers or restrictions.

The objectives of the EEC agricultural policy, as set out in the Rome Treaty, are:

1. To increase agricultural productivity.
2. To ensure a fair standard of living for farmers.
3. To stabilize markets.
4. To guarantee regular supplies.
5. To ensure reasonable prices to consumers.

Within the common agricultural policy there are various provisions for each product; however, market organizations have been set up for the major products. A market organization is the system by which the Community carries out the necessary operations for buying surpluses to maintain prices, for granting export rebates, and for providing protection against low-cost imports.

The common agricultural policy also establishes common price levels throughout the Community, assuring free movement of goods. For many products, these levels are used to guarantee farmers a fair return from sales of their goods. Common prices are also the basis for calculating the amount of import protection given farmers by a system of variable levies which have replaced national tariffs.

[From the EFTA Reporter, June 6, 1966]

AGRICULTURE IMPORTANT TO KENNEDY ROUND

(NOTE.—The agricultural objectives of the European Free Trade Association were stressed by Sir John Coulson, EFTA's Secretary-General, in a speech to the Federation of Agricultural Journalists, at The Hague on May 19, 1966. His general statement on EFTA's agriculture will be found on pages 3 and 4, and on pages 5 and 6, his special references to the agricultural policies of Switzerland, the United Kingdom, and Denmark. Below we give Sir John Coulson's observations on the effect on the Kennedy Round of recent developments in the Common Market.)

Protectionist policies in certain European countries have been constructed—and are still being reinforced—during the years in which the Kennedy Round negotiations should have been forging ahead. The great objective of these negotiations was to reduce the tariffs by the main trading countries of the world by 50% across the board, with a bare minimum of exceptions. The idea was welcomed by all the industrialized countries, including all the members of EFTA and of the EEC, as a really bold attempt to free the channels of world trade and to spread in a global fashion the benefits which both the Six and the Seven had experienced inside their own groupings from the reductions they had made in trade barriers. The same countries also unanimously accepted that balance and reciprocity could only be achieved in the Kennedy Round if those countries with important exports of agricultural goods also received trade advantages in the agricultural sector. To some extent therefore, results in terms of industrial tariffs are dependent on results in the agricultural sector.

The picture of what has happened since then is disappointingly short of these great objectives. I shall not speak here of the industrial side of the Kennedy Round negotiations, although that has not been nearly as rapid or effective as it might have been. But the record on the agricultural side has been very poor. The long struggle to implement the common agricultural policy in the EEC fortunately took a long step forward recently, but in the meantime the absence of decision has meant that the agricultural sector of the Kennedy Round has hardly even begun. This is a serious situation, three years after the beginning of negotiations and only one year away from the expiration of the United States legislation which gives the President power to take part in the Kennedy Round.

To make things even more serious, one cannot help fearing that the need for unanimity among the Six tends to mean accepting the pace of the slowest, setting prices for agricultural products in the Community which can be profitable to the less efficient producers. Through the operation of the levy system, these prices must also be paid by consumers in the Six even for the products imported at much lower prices from outside the Community. This means that

encouragement is now being given to farmers in the EEC to produce more and more food at a cost far above the world market price.

Surely what is needed for a sensible organization of the agricultural sector everywhere in Western Europe is to set production limits within which these higher prices would apply, and not to leave prices as the only regulator. As things are, it looks as if any agricultural results of the Kennedy Round will be meager; the low cost producers outside the EEC will find themselves increasingly shut out of traditional markets in favor of high cost domestic production.

You must forgive me if I find this situation difficult to understand. After all, the same economic facts are operating in the Six as in other countries. To set agricultural prices so high that they are still profitable to farmers of low productivity means channeling into the agricultural sector large resources which are badly needed to finance general economic growth. In these circumstances it is interesting to note the increasing disquiet being expressed in the more fertile countries of the EEC at the prospect of financing and disposing of the large surpluses which will be stimulated by the present price policies. Clearly it is reasonable to expect interesting developments to arise as this situation continues.

It is not, of course, my intention to claim that some EFTA countries have a monopoly of wisdom in regard to agricultural policies and that all other countries fall short of our standards. That would be a caricature of the situation. But I do believe that the search for solutions which is going on in EFTA is a healthy development. To this I would add one further thought. Agriculture is not only a serious stumbling block in the context of the Kennedy Round. It is probably also, in present circumstances, the *main economic obstacle to a wider European market solution, which would be of great benefit to all the people of Western Europe.*

So, for all these reasons and others which I have not mentioned, we cannot escape from the fact that agriculture in Western Europe must be supported by Governments and by international action, at least in the foreseeable future.

To say that, however, is merely to describe the problem, not to solve it. The difficulty still remains in deciding how much support should be given, what share can be allocated to agriculture of the total national income. If, for example, we pitch our support or our prices so high as to make production profitable even for the marginal farmers, we encourage the production of large surpluses in the more fertile areas and these may seriously unbalance the entire economic structure, national and international. In addition, there are the difficult technical problems of how the support shall be contrived so as to achieve the best possible results on the national plane and on international trade.

UNIQUE DANISH SITUATION

In the case of Denmark, this country still competes effectively in the export field with low-cost overseas producers of temperate zone agricultural products. For this reason, most of the world thinks of Denmark as a predominantly agricultural country, but the appearances belie the reality. Although Danish agricultural exports are 40% of her total exports, agricultural production is only 13% of the Danish national product. In fact, Denmark in the years since the War has been experiencing a rapid industrial revolution, and her industrial exports already exceed her exports of food.

In Denmark, therefore, we have a situation unique in Europe, whereby the agricultural sector, although small in relation to the national economy, is a major exporter, operating on the basis of efficiency and not of government protection. The effort has come from the farmers themselves and such moves as the Government has made in recent years to provide support for agriculture have been forced on Denmark by the high protection policies increasingly being followed in her main export markets.

It must be admitted that the domestic price guarantees now in force in Denmark may in time come to undermine the present competitiveness of Danish farmers. However, Danish agriculture still continues to hold its own in terms of competitive power. In the last fifteen years more than half of the labor force has left the farms to enter Denmark's new industries, but the growth of agricultural productivity has fully kept pace with this loss. There are now many more large farms which can be cultivated economically by modern means, and the farmers continue to concentrate on livestock products to the extent of 80% of production. It is worth noting that the proportion exported in several lines is also 80%.

But the Danes have also brought to their agricultural exports the same ability to please the customer as is so well displayed by other Danish exporters, notably of furniture and other household goods. The Danish farmers long ago made cooperative arrangements whereby the foodstuffs they sell abroad are of uniformly high quality, year in, year out, and are attractively packaged and presented to their export customers. This, in fact, has been the solid basis for their export achievement. The Danes also use cooperation in every other step of agricultural production, from the buying of seed to the marketing of the product. It is also interesting to note that the agricultural labor force is probably the most highly educated in Europe.

The main threat to the livelihood of the Danish farmer is, of course, the action by the governments of most othern Western European countries in refusing—some in the name of European integration—to allow their peoples to buy Danish produce at relatively low prices and forcing their consumers instead to pay much more for their food than is really necessary.

Nor is this the only consequence for Denmark. High support prices for agricultural products in other European countries inevitably mean much greater production, with the temptation to create new international systems to finance the dumping abroad of the surpluses. Denmark has suffered increasingly from this kind of thing in recent years. She has not only lost important markets in the EEC because of the high levels of production of the common agricultural policy, but she has also been faced with the fact that subsidized exports from the Six have damaged Danish markets inside EFTA itself.

COMMON CAUSE IN WORLD ECONOMIC GROWTH

(By Fred J. Borch, president and chief executive, General Electric Co.)

(NOTE. Mr. Borch is the fifth Chief Executive Officer in General Electric's 74-year history. In his 35 years with the Company, he has served as Vice President and Group Executive for the Consumer Products Group, Vice President for Marketing Services, and once worked as an auditor for $78 per month early in his career. A member of the board of trustees of the Committee for Economic Development and a member of the Business Council, Mr. Borch is also a member of the Commerce Department's Balance of Payments Advisory Committee. He is also on the Board of Governors of Western Reserve University.)

The nations of Western Europe and North America, says General Electric's Chief Executive, have shared in the last 20 years a common progress, based largely on the expansion of international trade. For the future, he stresses the need to be "partners in the fullest sense: in investment, in technology, in research and development."

By most economic measurements, the past 20 years have been years of remarkable progress for the people of North America and Western Europe.

The combined output of goods and services, in total gross national products in the Free World, reached more than $1.5 trillion in 1965. Since 1960, per capita income in the U.S. and Industrial Europe has increased by more than 15 per cent. Unemployment rates have now dropped to less than 4 per cent in the U.S., and are even lower in the other North Atlantic nations.

Translating these economic indicators into real benefits: More people are living better; they have more money to spend on a growing range of products and services, and more leisure time in which to enjoy these things.

In response to the common needs of people and nations, we have witnessed the emergence of common markets; common agreements and provisions for defense; organizations for economic cooperation and development; and cooperation in meeting the growing capital needs of the nations of the Free World—with development of such institutions as the World Bank.

These tremendous, forward-looking moves have been accompanied by steadily expanding world trade—from $95 billion in 1958 to $148 billion in 1964—with strongly rising investment, productivity, and consumption in Western Europe, Canada, and the U.S.

All of our recent experience and the lessons of history demonstrate that international trade on the broadest possible basis, with the fewest possible restrictions, is one of the greatest contributors to the progress of nations. For people who trade with one another, who have contracts with each other that are honored, who couple their technologies and provide a basis for international investment—these people are forging working alliances and relationships built not upon the fear of a common enemy but rather on the sharing of a common objective: Economic growth built upon a mutuality of purpose, a partnership in operation, a partnership in progress.

But often the lessons of history go largely ignored, even by the advanced nations who have profited most by this partnership in progress. There is still an almost ineradicable tendency to think of economic growth as being exclusively a national matter—or for that matter, to think of economics exclusive of politics.

Thus, after several years in which the trend has been mostly in the right direction, we see worldwide a slowing—if not yet a reversal—in the movement toward international cooperation which has carried the Free World through many perils since World War II, and which has resulted in so much economic and social progress. We are beginning to see, instead, a multitude of the type of inward-looking restraints and restrictions that were more characteristic of the 1930's than appropriate to the needs of the 1960's.

AN ESCALATION OF PROTECTIONISM?

Businessmen on both sides of the Atlantic and all over the world cannot fail to be greatly concerned about today's mushrooming restrictions on international trade and investment. These restraints speak the language of heightened national self-absorption. And once set in motion, they will be difficult to turn back, leading to an escalation of protectionism.

We must assume that this disturbing trend has not been created intentionally. Rather, it reflects an accumulation of actions and reactions taken by nations in response to: (1) the pressures of internal demand and the dangers of inflation; (2) stubbornly continuing trade imbalances; and (3) necessity

of preserving the integrity of their currency, as well as that of the British pound and the U.S. dollar, as the media of international exchange.

The very rapidity of our economic advance is a primary source of many of the strains and pressures we are experiencing. In any long-term expansion, such as that of Western Europe, Canada, and the U.S. during the past several years, the dangers of "overheating" of the economy on the one hand, and of overreacting in controlling and restraining it on the other are omnipresent.

These forces are at work today, not intended deliberately to interfere with the expansion of international trade and investment, but in order to protect nationalistic interests. It is the political-economic judgment of the countries involved, soberly made, that their national interests and national security are best served by each of these individual actions—and who is to say they are wrong?

But the fact is that if you add them all up, the end result is lesser world productivity and a poorer world civilization—not good long-term for the industrialized nations, not good for the developing nations, not good for world progress and peace.

CONTINUING BUSINESS DIALOG NEEDED

If the causes are obvious, the cures—at least in broad outline—are likewise simple, though terribly difficult to achieve in detail, of course. They lie in *continued frank discussion* by businessmen with each other, and with their governments, on points of economic friction; and in *continued negotiation* by governments on different economic interests.

These discussions and negotiations, if they are to be effective, should and must include not only formal trade restrictions (such as tariffs) and formal trade agreements, but the informal ones as well—those things which may not be deliberately designed to dry up the free flow of trade but have the effect of distorting open market trading conditions appreciably. These include such things as: (1) border taxes, which purport to equalize competitive advantages resulting from indirect taxation, but actually put nations that rely on direct taxation at a great disadvantage; (2) intervention by governments in licensing agreements; (3) restrictions on direct investment; (4) restrictions on remittances; (5) subsidized export prices; (6) prohibitive tariffs—and so on and on.

For if greater freedom is to prevail, then freedom itself must be protected. Competition should be encouraged, but there must be safeguards against unfair competition from nationally subsidized industries. The orderly expansion of world trade should be promoted, but dumping must be prevented. There must be respect—somehow guaranteed—for private investment if the much-needed capital markets are to develop as they should.

Business enterprises operating world-wide have a responsibility to participate in this "continuing dialogue" on international business problems—either directly or by providing to governments the hardcore facts on which sound negotiations can proceed and fair trade arrangements may be reached. International and multinational companies are not new, but their motives are still misunderstood at home and abroad. Large corporations have a particular responsibility to communicate their contributions to the attaining of national economic objectives.

SETTING MORE AMBITIOUS GOALS

All multinational businesses must learn to act as good corporate citizens of the countries in which they operate—everywhere standing willing to enter into the dialogue with government in the interests of the national economy—while recognizing in this the overriding need for the right kind of world economy. The experience of the past decade has demonstrated what broad economic partnerships can achieve. It is now within our several national capabilities to set more ambitious goals and to set about the task of fulfilling them.

The needs of the world's people exceed all the world's productive capacity—and will for years to come. During the 1960's, the expansion of money and credit in the U.S. has been at twice the rate prevailing in the late 1950's, and capital expenditures are now running at a $60 billion annual rate. It has been estimated that in the next decade, private industry in the U.S. will need to invest some $600 billion to meet the needs and demands of its customers. Western Europe may need to spend almost as much on capital expenditures. That amounts to more than a trillion dollars of new investment in 10 years, in just two major areas. The needs of the remainder of the Free World can only be guessed at—perhaps another trillion dollars.

PARTNERS IN THE FULLEST SENSE

If these needs are to be met, we will need—and need to be—partners in the fullest sense: in investment, in technology, in research and development. Everywhere the aim must be to provide the resources and facilities needed by the engineer-entrepreneurs and managers, who are the "growth catalysts" of every modern industrial society.

We share with one another, and indeed, with the rest of the world, a vast fund of compatible beliefs, common principles, and shared ideals. In the 21st century, people may well look back on this period of challenge and trial and wonder at some of the obstacles that we seem so intent on placing in our own path.

PRESIDENT JOHNSON PRAISES PAUL DOUGLAS AS "GREAT SENATOR—IN THE TRADITION OF LINCOLN"

Mr. YARBOROUGH. Mr. President, during President Johnson's very successful tour of the Midwest on Saturday, July 23, he came to the great State of Illinois late that afternoon. The President and his party were greeted by Governor Kerner, of Illinois, Senator PAUL DOUGLAS, one of our colleagues, and a group of Illinois Congressmen, and other Members of the Congress from other States were there. The enthusiastic crowd that greeted the party had more homemade original placards per person than I have ever seen before.

President Johnson, speaking at the Lawrence, Ill., Airport, paid a great tribute to our colleague, Senator PAUL DOUGLAS, part of which is in this advance release of the text of that speech.

Speaking of the great Illinois Senator, PAUL DOUGLAS, President Johnson said:

> Your great Senator PAUL DOUGLAS is a tower of strength to us. I am very happy to say that today you have standing in the United States Senate a man who carries on in the tradition of Lincoln, a man named PAUL DOUGLAS, who fights to see that all men are free and equal and live together as brothers.

Mr. President, I ask unanimous consent that President Lyndon Johnson's remarks at the airport at Lawrenceville, Ill., on Saturday, July 23, be printed in full at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT UPON ARRIVAL AT LAWRENCEVILLE, ILL., AIRPORT, JULY 23, 1966

Mr. Mayor, Governor Kerner, Senator DOUGLAS, Congressman SHIPLEY, Congressman GRAY, ladies and gentlemen, boys and girls, Mrs. Johnson and I want to thank you very much for coming out here and giving us this warm welcome.

We always just love to come to the great State of Illinois. We admire and respect your Governor. Your great Senator PAUL DOUGLAS is a tower of strength to us. Your Congressman SHIPLEY and Congressman GRAY and the other Members of Congress, who have accompanied us here today, have gone through the heartland of this country with us and we find it strong. We find it prosperous, we find it happy and we are glad.

I will never forget this long afternoon that I have spent in Indiana, Illinois, Kentucky, and Tennessee.

The greatness in your eyes and in your friendly hands and in your abundant spirit is a greatness that only free people can have.

We have so much to be thankful for. All of this country was once the land of Abraham Lincoln. He belonged to the whole nation, of course, but he belonged especially to Kentucky, Indiana, and Illinois.

I was reminded many times today that when Lincoln walked this land he too drew the strength from the proud and the independent people that he knew as neighbors. These were the wellsprings and they helped him face the terrible decisions upon which depended the fate of the young American nation.

No President, either before or since, was so bitterly fought by his enemies. But he never wavered from the conviction that all men deserve to be free and to live together as brothers.

I am very happy to say that today you have standing in the United States Senate a man who carries on in the tradition of Lincoln, a man named PAUL DOUGLAS, who fights to see that all men are free and equal and live together as brothers.

So the American faith today is built from that conviction. I believe that it is an unwavering faith. I don't think the day will come when Americans are ever afraid to fight for freedom. I don't think the day will come when America will refuse to be true to its word and keep its commitments. I don't think the day will ever come when the American people will desert those who stand for them on far-off battlefields in the fight for freedom.

We Americans have never run from danger. We will never run from responsibility. We have built the greatest country that mankind has ever known and we are going to work today and tonight to make it better all the time.

We have given our blood and our treasure so that others may have the same opportunities. We are not going to say that all of these sacrifices have been in vain.

The United States was born in strife—it was nurtured in hardship. We grew and we prospered because we weren't afraid of frontiers. But we always looked toward those far-away horizons. We have not come this long distance in history because we were a weak or a frightened or a fearful or a timid people.

When America grows afraid and loses its commitment to freedom, that is the day that America will begin to die. The faces that I have seen and the States that I have visited today have told me that this will never be.

Mrs. Johnson, Luci and I, the distinguished Governors, the many able, patriotic Members of Congress from both parties, are grateful for your warmth, for your generosity, for your hospitality. We want to thank you for helping make this a wonderful and a rewarding day for us.

We in America have much to be thankful for, much to be grateful for. I want to thank each of you for the contributions you are making to helping all of us make this the greatest nation in all the world.

Goodbye and God bless each of you.

TRIBUTE TO WORLD PRESS INSTITUTE AT MACALESTER COLLEGE

Mr. CASE. Mr. President, I should like to take this opportunity to congratulate, on the completion of its 5 years of operation, the World Press Institute at Macalester College in St. Paul, Minn. The institute under the direction of James V. Toscano has been doing a very effective job of winning friends for our country by bringing to the United States those young men who are and will be the opinionmakers in their respective nations.

Recently, I had the good fortune to meet with a group of foreign reporters brought to Washington by the institute and I found them both interesting and interested. These young men were intelligent and articulate and knew what questions were worth asking. They were not selected on the basis of their favorable views toward the United States, but rather because of their ability, maturity, and openmindedness. In fact, Harry Morgan, the young founder of the institute, has expressed the opinion that if the reporters' prejudices are against the United States, so much the better: as he put it, we have no need to convert our friend—it is our critics whom we should try to win to our side.

The World Press Institute continues to do important work for our country and all of us owe it and the men behind it a vote of thanks for the friends they have won for America.

THE PROPOSED BRIDGE AND MARBLE CANYON DAMS

Mr. MOSS. Mr. President, again I am moved to protest against statements which mislead the public as to the location of the proposed bridge and Marble Canyon Dams on the Colorado River in Arizona.

In this instance the distortion appeared in the lead paragraph of an analysis of the controversy which appeared in the New York Times on Sunday, July 31.

The article, written by William V. Shannon, begins this way:

> After years of maneuvering and tense negotiations, the plan to build two dams in the Grand Canyon is now nearing a showdown in the Congress.

To most people in the United States the Grand Canyon means only one thing—the spectacular gorge in northern Arizona which comprises the Grand Canyon National Park and Grand Canyon National Monument, and which is one of the scenic wonders of the West. The idea of having two dams built in this gorge is naturally abhorrent to all who love and enjoy our great out of doors, and who particularly revere the awesome slash in the earth which has been seen and enjoyed by millions either from Bright Angels Point on the northern rim of the canyon or from El Tovar on the southern rim. The idea of flooding out this magnificent area raises hackles all the way from Phoenix to New York City.

However, the dams are not going to be built in the Grand Canyon National Park, or in the Grand Canyon National Monument, and it is a distortion of the facts to write a sentence, or make a statement, which will lead anyone to believe that this is the case.

Both dams will be located well outside the boundaries of either the monument or the park, and only the waters from the lower dam, Bridge Canyon—or Hualapai, as it has been renamed—will impinge on any area of the park at all. Bridge Canyon Dam will be located some 90 miles below the park, and some of the water it would back up would flow into a 13-mile stretch of the river bordering the park. This stretch of the river is now completely inaccessible, except to the very hardy, and all the dam would do would be to provide a river surface upon which thousands of people who otherwise would never have seen this part of the canyon can ride up in boats and enjoy it.

I realize that far down in the article Mr. Shannon discusses the specific location of the two dams, and that for the careful reader who pursues the article to the end, it would become clear that the dams actually would not be located directly under Angel's Point—but for the casual reader it is definitely misleading.

It is reprehensible enough when dedicated conservationists, who are paid executives of conservation organizations, overstate the case on the Colorado River dams and mislead the public, but it is even less understandable when a great newspaper like the New York Times sheds its objectivity.

I sincerely hope, as the Colorado River Basin bill proceeds through the Congress, we can keep the facts straight, and prevent misrepresentation and distortion of what the measure will and will not do.

COMMISSION ON OBSCENE MATTERS AND MATERIALS

Mr. MUNDT. Mr. President, one of the most carefully considered articles on S. 309, a bill to create a Commission on Obscene Matters and Materials, appeared in the Washington Evening Star on July 26. It was written by James J. Kilpatrick. I think that Mr. Kilpatrick has analyzed the many problems facing any group which undertakes an inquiry of this kind. I believe that all fair-minded people will be interested in his conclusion:

> It is likely that the problem has no satisfactory answer. In the end, the whole business may have to be left where it is now, in the rough and imperfect hands of jurors who may not know dirt, but who know what offends them. Anyhow, it would do no harm to attempt a comprehensive study that might throw congressional light on a bunch of slugs who thrive in the dark.

This, of course, is the aim of the legislation: to clear out the cobwebs in local and State laws, to attempt a clear definition which judges can use for a standard, and to bring uniformity in the laws by suggesting what changes ought to be made. Some things are obscene; some are only offensive or in poor taste. Where should the line be drawn and how tightly? These problems will not be solved under present conditions. We ought to let experts sit down together to discuss the whole gamut of problems surrounding the sale of filth, and come up with recommendations which will be meaningful.

I ask unanimous consent to have the column, "Conservative, Liberal Seek Pornography Study," printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington (D.C.) Star, July 26, 1966]

CONSERVATIVE, LIBERAL SEEK PORNOGRAPHY STUDY

(By James J. Kilpatrick)

A Republican conservative from South Dakota and a Democratic liberal from New Jersey, poles apart on most issues, have taken the leadership jointly in urging a serious congressional inquiry into the whole murky field of pornography. It seems unlikely, but they may just possibly bring a measure of order to a problem that is in total confusion now.

Senator KARL MUNDT'S bill to create a study commission on "noxious and obscene matters and materials" passed the Senate on July 11. Representative DOMINICK DANIELS' almost identical bill is now pending before the full House Labor and Education Committee, after receiving unanimous endorsement from a select subcommittee April 29.

This is the third time in the last seven years that the Senate has passed such a bill. The House never has gone along. This time, Committee Chairman ADAM CLAYTON POWELL has promised DANIELS that hearings will be held. If enough public support can be generated, POWELL may yet be persuaded to push the proposal along.

Several reservations have to be voiced about the Mundt-Daniels bill itself; and those who have serious apprehensions about government censorship will be a little wary about endorsing even a congressional study that seeks to define something as undefinable as "obscenity." Yet both sides to this controversy—those who despise commercially peddled filth, and those who defend absolute freedom of press—include decent men and women. Neither side has a monopoly on virtue or on fanaticism either. And it is conceivable that both sides could benefit if a genuinely searching and thoughtful investigation were undertaken.

The commission envisioned under the pending bills, unfortunately, may be so elaborately concocted that it will bog down in its own individual ruts. The idea is for the President to appoint three members from the clergy, two from the Department of Justice, and two from the Post Office, plus one Senator, one Representative, one educator (secondary), one educator (higher), one librarian, one publisher (books), one publisher (magazines) one State attorney general, one

city prosecutor, one local police chief, one man from the movies, one man from radio-TV and one from the Department of Health, Education, and Welfare.

This earnest foolishness stems from the thinking of men who imagine that if only you put together three potatoes, two onions, two carrots, and a pound of cubed beef, you will have a palatable stew. Something more is required; and in this case, it is mainly the labor of a few intelligent men able to see this complex problem whole and entire, and not through little labeled windows. If the President should appoint 20 pre-frozen members with neatly packaged attitudes, the foes of smut will consistently outvote the defenders of freedom by 13–7 or 12–8, and nothing useful will have been accomplished.

That reservation to one side, the Mundt-Daniels proposal in itself is sound. All that is asked under the pending legislation is a study. The idea is to look into the "origin, scope, and effects" of the traffic in pornographic materials. The commission would examine the conflicting and overlapping local, state, and federal laws in the field. In the end, it would formulate recommendations "for such legislative, administrative, or other forms of action as may be deemed necessary to combat such traffic."

Now, if such an investigation were undertaken by broad-gauged men—men who understand enough of freedom to know that freedom can indeed be abused—a legislative foundation might be laid on which some sensible new obscenity laws could be erected. The present laws, by and large, are a mishmash, partly derived from the late Inspector Comstock and partly derived from Mr. Justice Brennan. Nobody really knows what pornography is, or what the effects of pornography are, but everybody knows this traffic is a dirty and lucrative racket. The question is: How do you combat the racket without jeopardizing the right of sophisticated adults, in a free society, to obtain reading matter that would shock three clergymen, two postal inspectors, one congressman, and one cop?

The answer does not lie in permitting an honest, God-fearing Nashville officer, acting on his own Bible-belt convictions, to close up "Who's Afraid of Virginia Woolf?" It doesn't lie in harassing Hugh Hefner's "Playboy" or in prosecuting the nudist magazines. But by the same token, neither is a problem of deep public concern to be resolved through the absolutism of the American Civil Liberties Union, which scoffs at the notion that pornography could have a bad effect on anyone.

It is likely that the problem has no satisfactory answer. In the end, the whole business may have to be left where it is now, in the rough and imperfect hands of jurors who may not know dirt, but who know what offends them. Anyhow, it would do no harm to attempt a comprehensive study that might throw congressional light on a bunch of slugs who thrive in the dark.

BLEEDING THE UNITED STATES

Mr. HARTKE. Mr. President, Carl T. Rowan is a distinguished journalist, who has held high position in the administration. His columns, appearing throughout the country, are often filled with a high degree of understanding and based on facts which are equally authoritative.

In a recent column appearing in the Indianapolis Star, Mr. Rowan comments on the attitude of Moscow concerning the war in Vietnam. In his view, which he finds supported by both evidence and the opinion of persons within the administration, the Soviets "are playing a shrewd game of letting this Asian war bleed the United States of money and manpower while the Soviet Union toys around the edges, risking little and hoping to gain a lot."

Russia, as he points out, is supplying modern planes and the equipment for missile sites in North Vietnam. Soviet propagandists are keeping busy in spreading anti-American portrayals of us. In short, he sees the Soviet attitude hardening toward the United States, as we become ever more deeply involved, "bleeding" in money and manpower.

The Soviet Union is convinced that we are rapidly becoming isolated in terms of world opinion. This, Mr. President, can only benefit world communism, not ourselves.

I ask unanimous consent that the article may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PEACE PROPOSALS SCORNED—RUSSIANS PLAY SLY GAME TO BLEED UNITED STATES IN VIETNAM

(By Carl T. Rowan)

WASHINGTON.—Among the last words uttered by former Indian Prime Minister Lal Bahadur Shastri before his fatal heart attack last January in Tashkent were some spoken by Soviet Prime Minister Alexie Kosygin. He confided that he was sending Alexander Shelepin to Hanoi to arrange a peaceful settlement of the Viet Nam war.

Shastri's aides passed the word along and for months the few top officials in the Johnson administration who were privy to this information believed that the Russians were working for peace.

Nobody in top circles of the Johnson administration really believes that today—despite Peking's fulminations about Moscow's "collusion."

The view is growing (and evidence to support it mounts) that the Soviets are playing a shrewd game of letting this Asian war bleed the United States of money and manpower while the Soviet Union toys around the edges, risking little and hoping to gain a lot.

UN Sec. Gen. U Thant has just gone to Moscow with a peace proposal that Soviet leaders ought to push out of a simple concern for humanity. But, like Charles de Gaulle, Mrs. Indira Gandhi, and Harold Wilson, U Thant got nowhere.

What is not generally known is that the United States has secretly put before both the Soviet Union and North Viet Nam peace proposals that would seem to leave no doubt as to the U.S. desire to end the war. The proposals have been rejected arrogantly.

When Chester Ronning, the Canadian diplomat, was in Hanoi recently he was authorized to say that the United States would halt all bombings, unconditionally, and cease all military activities if Hanoi would quietly pledge to end the infiltration of troops into South Viet Nam and the Viet Cong would halt its terrorist activities.

Under this plan, the United States would then be pledged to sit at a conference table until all parties, including the Viet Cong, could negotiate an election scheme that everyone agreed would be a fair expression of the will of the people of South Viet Nam.

The Johnson administration would further agree that if, in such a genuine free election, the Vietnamese people chose the Viet Cong Communists or union with North Viet Nam, the United States would respect that choice.

The North Vietnamese greeted Ronning with contempt and literally threw him out of the country.

The clue to Hanoi's renewed intransigence would appear to lie in Peking, where Liu Sho-chi told a rally of a million people last weekend, "U.S. imperialist aggression against Viet Nam is aggression against China."

Liu and Vice Premier Tao Chu not only denounced the "Peace-talk swindle" but accused Russia and India of "catering to the needs of the U.S. imperialist policy of blackmail" when they issued a joint communique calling for "all governments to renounce the use of force."

Yet, the Soviet Union, by word and action, may be doing more to keep Hanoi away from the peace table than Communist China. There is ample evidence that Hanoi still fears domination by China and that Ho Chi Minh probably would choose negotiation to total reliance on Peking.

But it is Russia that is providing the sophisticated aircraft machinery including modern planes and missiles sites. Soviet propagandists are every bit as busy as the Chinese, trying to portray President Johnson as the new Hitler and Americans as the new Nazis.

The Soviet Union seems to have convinced itself, if not others, that the United States is rapidly becoming isolated in terms of world opinion—a development which, if true, would redound to the benefit of world communism.

In any event, Soviet leaders seem to have concluded that they have a world to gain and virtually nothing to lose if the war just rocks along and does not really get so far out of hand that Soviet cities are threatened.

Kosygin went to Tashkent to tell Pakistan's Ayub Khan and the late Mr. Shastri what a dangerous game they were playing—and how they owed it to mankind to stop fighting. I wonder if Mr. Shastri, alive today, would be able to convince Kosygin that the Russians are now playing with fire.

THE INNOCENT VICTIMS OF THE TEXAS SNIPER

Mr. YARBOROUGH. Mr. President, much attention has been given in the time since the horrible shootings by the sniper at the University of Texas in Austin to the question of immediate passage of legislation to regulate the sale of guns. I think that it may well be that in our attention to questions of interstate commerce and the sale of guns, we have paid too little attention to the innocent victims of the sniper. We have, as usual, spent our time talking about the criminal without attending to the victims. And yet there are in this instance many more victims than the one criminal; the toll he caused is very high.

We ought to turn our attention, instead, to the question of compensating the victims of this violent crime. Last year I introduced a bill, S. 2155, to provide for compensation to victims of crimes of violence in the District of Columbia and in other Federal jurisdictions. In a few days, I will introduce a substitute amendment to my bill, embodying a number of revisions suggested by the legal community. When I first introduced S. 2155, I recommended that the States enact similar laws, and I said I hoped they would do so. While one State, California, does have a limited law in this area, and while the matter is being actively considered in other States, no real action has been taken. The horror of the Texas shootings tells us that such action is needed, and is needed promptly. Each State should have a law

providing that such innocent victims of violence be compensated for injuries, or that, in case of death, their families be compensated.

Mr. President, let us turn our attention where it is most needed, and where it will really do some good.

SPEECH DELIVERED BY GEN. BRUCE C. CLARKE, U.S. ARMY, RETIRED

Mr. THURMOND. Mr. President, on July 7, 1966, Gen. Bruce Clarke, made an outstanding address before the convention of Lions International at Madison Square Garden in New York City.

I understand 22,000 people gave General Clarke a standing ovation. His observations on vital Vietnam questions are so pertinent to these troubled times that I feel they need a much wider audience.

General Clarke has a long and distinguished record in the service of his country and in order that my colleagues may also have the benefit of his perceptive answers to these most often asked questions, I ask unanimous consent to have his speech entitled "Some Answers to Vietnam Questions" printed in the CONGRESSIONAL RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

TALK BY GEN. BRUCE C. CLARKE, U.S. ARMY, RETIRED, BEFORE THE LIONS INTERNATIONAL CONVENTION, MADISON SQUARE GARDEN, NEW YORK CITY

Dr. Campbell, distinguished guests, members of Lions International and friends.

It is an honor to appear before such a large and important audience.

I have observed your organization in many lands and am very favorably impressed with the way in which you are carrying out your Lions Club Objectives in 135 countries and geographical locations with 800,000 members. You are a great force in the "People to People" program and hence for world peace and understanding.

I am also very much aware of the great support the Lions Clubs are giving to the Boy Scout movement. As of 1 January this year you were sponsoring about 5,200 units. Thus your fine influence is extended to more than 150,000 boys at this time. I bring you the appreciation of the National Council of the Boy Scouts of America and its President, Thomas J. Watson, Jr.

Lions and Scouting have been a great partnership. Thirty years ago Lions Clubs sponsored only 11 Boy Scout Units. Now they sponsor 5,200. Forty-seven percent of all U.S. Lions Clubs now sponsor units. This is indeed a great record.

Your Lions leadership has now set its sights on 10,000 Scout units. This is great news in our "Breakthrough for Youth" program. I hope your support of Scouting will continue to grow. Our boys never needed more the influence such as you and Scouting can give them.

I would like also to bring to you greetings from Freedoms Foundation at Valley Forge and its Honorary Chairman, General Dwight D. Eisenhower, and its President, Dr. Kenneth D. Wells.

I am sure you are aware that your Society won the George Washington Honor Medal in 1962, and five other awards have been won by Lions Clubs since 1954; all for outstanding programs in furthering the American Way of Life.

SOME ANSWERS TO VIETNAM QUESTIONS

Because of my long military background in command of troops overseas and your timely interest in the situation in Vietnam, I have been encouraged to speak about that. I realize that you are from many countries, but I believe you are all interested in the situation in Southeast Asia.

I realize that I could not do justice to such a subject in the short time at my disposal by a usual talk, so I have decided to state to you my answers to about 20 questions which have been asked, many of them several times, in recent months.

I hope by so doing I can bring the basic facts into focus as I see them.

Because of your interest in Boy Scouts I'll answer first the question which is on:

BOY SCOUTS

We see pictures and read reports of Boy Scouts participating in anti-American Buddhist riots in Saigon and elsewhere in Vietnam. What about this?

General Westmoreland, in a letter to me of 9 June, said: "Unfortunately there are a number of youth groups in Vietnam who wear uniforms resembling the standard Boy Scout uniform—the boys referred to in your letter are not Vietnamese Boy Scouts but were members of a Buddhist youth group."

WHAT IS OUR NATIONAL PURPOSE?

According to my definition

It is the National Purpose of the United States to continue to work to fully secure for our people for the future those objectives of the Constitution of the United States set forth in its Preamble: to form a more perfect union, to establish justice, to insure domestic tranquility, to provide for the common defense, to promote the general welfare, to secure the blessings of liberty to ourselves and our posterity, and to support the purposes of the Preamble of the Charter of the United Nations; and by aid and assistance to other peoples of the world as is in the national interest.

It is my firm belief that the assistance we are giving to the oppressed people of South Vietnam is in furtherance of our national purpose as I understand it.

Of the six purposes in the Preamble to the U.S. Constitution the one "to insure domestic tranquility" is greatly needed today.

WHAT IS OUR OBJECTIVE IN THE FAR EAST?

"Our objective in the Far East is simple. There, as throughout the world, we wish to see independent nations developing as they see fit in accordance with their own traditions."—Hon. WILLIAM P. BUNDY, Assistant Secretary of State, Far Eastern Affairs.

"In the first half of this century we learned that there can be no peace if might makes right—if force used by one nation against a weaker nation is permitted to succeed. We have learned that the time to stop aggression is when it first begins. And that is one reason we are in South Vietnam today.

"Modern weapons and means of communications, even more than common aspirations, have created a single world community.

"There is no going back. This is the way it will be as far ahead as any of us can see.

"We can only go forward to help make that community one in which nations respect the rights of others and live at peace with one another.

"For the American interest will be well served if our children grow up in a world of independent nations capable of assuming collective responsibility for the peace. Our interest—and that of world peace—will not be served if nations continue to violate the independence of other nations.

"So as our men and our allies fight in Southeast Asia, we are working on many fronts to build a mosaic of peace and human progress."—President Lyndon B. Johnson.

". . . The United States seeks no territorial aggrandizement in South Vietnam or anywhere in Southeast Asia. We do not wish to maintain our troops in that area any longer than is necessary to secure the freedom of the South Vietnamese people. We want no permanent military bases, no trade advantages. We are not asking that the Government of South Vietnam ally itself with us or be in any way beholden to us . . . We do not seek to destroy the Hanoi regime or to force the people of North Vietnam to accept any other form of government . . . We wish only that the people of South Vietnam should have the right and the opportunity to determine their future in freedom without coercion or threat . . ."—Gen EARLE G. WHEELER, Chairman, Joint Chiefs of Staff.

WHEN YOU SAY "WIN" IN VIETNAM, WHAT DO YOU MEAN?

I mean the attaining of our objectives as I have stated it. I do not mean the destruction of North Vietnam or its government. We must, however, defeat the enemy operating in South Vietnam in order to change his attitude so that he seeks an effective, peaceful settlement.

While I am sure we will win a military victory against the Communists operating in South Vietnam, the military can only restore order. The task for a stable political settlement is for politicians and diplomats.

WHY DO MANY AMERICANS SAY THEY ARE CONFUSED ABOUT VIETNAM?

There are several stated reasons. I'll list them:

1. It is a long way away from Washington and the bulk of our people are oriented toward Europe and its problems.

2. Some think that the dangers of aggressive, international Communism have been overplayed.

3. The long birth struggles of a newly emerging nation under long and constant terror, subversion, and armed attack.

4. The tendency to measure an oriental country by ourselves.

5. The impatience to get to a solution quickly.

6. Antipathy toward the present administration on the part of some.

7. The urge in some, created by the great advances in information media, to want to know detailed future plans and predictions from our top responsible leaders which cannot be disclosed without danger to our war effort.

8. The terror, subversion and acts of the Viet Cong are not adequately pictured and reported.

9. The great many generous, helpful, humanitarian acts of our servicemen and our assistance programs are not fully reported.

10. The understanding, devotion and sympathy for our purposes in Vietnam by our servicemen there are not fully appreciated by our people.

11. The extent of the allied support in Vietnam is not fully appreciated. For instance, Korea will soon have two divisions there. In proportion to the strength of Korea, that is a real contribution. There are several other nations that are making important contributions also such as Australia, New Zealand and the Philippines.

12. Failure to understand the good reasons why war has not been declared, and why the Reserves have not been called up as yet.

13. "Business as usual" attitudes.

14. The clinging to false hopes for "Peaceful Coexistence" with aggressive, world Communistic programs.

15. Why do not more of our allies, whom we have assisted so much, give us help in Vietnam now?

THE WAR IN SOUTH VIETNAM HAS BEEN CALLED A "DIRTY LITTLE WAR". WHY DO WE LET OURSELVES BECOME INVOLVED IN SUCH THINGS SO FAR AWAY?

No one likes war—especially those who have seen and experienced its ravages at first hand. But as the British Philosopher and Economist, John Stuart Mill, pointed out in

the mid-1800's, there are worse things than war:

"War is any ugly thing, but not the ugliest of things: the decayed and degraded state of moral and patriotic feeling which thinks nothing worth a war is worse . . . A man who has nothing which he cares about more than his personal safety is a miserable creature who has no chance of being free, unless made and kept so by the exertions of better men than himself."

"What makes this a particularly 'dirty' war is the terrorism of the Viet Cong. In 1964, 11,000 village chiefs and local government officials were killed or kidnapped by the Viet Cong. They were not soldiers but civilians carrying out their official duties on the local level. On a proportional basis in the United States, this would have meant that 143,000 of our citizens were slain or kidnapped in one year."—Cyrus Vance, Under Secretary of Defense.

UNDER WHAT CIRCUMSTANCES DO YOU CONSIDER WE AS A NATION SHOULD USE MILITARY FORCE?

I have always considered the use of military force or the threat to use military force by our country to be for one of three basic purposes: To restore order; to maintain order; or to establish order so that the orderly, peaceful processes of governmental and international relations can function. Human progress can only advance in a climate of order.

HOW DO YOU SUGGEST WE GO ABOUT UNDERSTANDING OUR MILITARY INVOLVEMENT IN SOUTH VIETNAM?

I use three steps in such a study: 1. What is our present situation? Where are we now? 2. What do we want to accomplish? Where do we want to go? 3. How do we do it? or how do we get there?

An evening spent on this by a study group should produce a good understanding.

When you make such a study, you should remember that "uneasy lies the head that wears the crown", for we wear the crown of Western World leadership.

Carrying out our world commitments as the Western World Leader is like wearing a hair shirt. It is more irritating when it gets hot, but we dare not take it off lest the world be thrown into chaos and World War III.

Also, turn the question around; Will the loss of South Vietnam to subversive Communist attack affect our position in the world? What if it leads to the loss of Thailand? then Malaysia? Singapore? and Indonesia? What would be its impact on Japan, Korea, NATO, Africa, and South America?

Is there a better time and place to "draw the line"?

HOW IS THE MORALE OF U.S. TROOPS IN VIETNAM?

I hear often from my friends in the Army in Vietnam, and we hear from our two sons there often. I get much evidence of high morale.

During last Easter week Bishop Reuben H. Mueller, President of the National Council of Churches, visited the combat zone in Vietnam. He brought back high praise of the U.S. servicemen there when he said: "It is a fearsome war but I saw no fear evidenced by our soldiers. Their morale is ace-high. They are not bothered about why the United States is in Vietnam. They just know they are there and what they have to do, and they act accordingly. Some of them don't want to leave when their combat time is up."

"The morale of a man in a military organization comes from many factors. It may well be summed up in one word: 'Confidence.' Confidence in his training, equipment, leadership, in himself, in his unit, and in the support from home. The military commanders play a big part in it but so do civilian officials, Members of Congress, the press, radio and TV commentators, and the general public at home. Together they must insure that the soldier does well an important job and receives recognition for it. So long as this is accomplished there is a general feeling of confidence, well-being, and progress in a military unit; and the report which states that the 'morale is excellent' will be sound."—From *Soldier Morale*. Written by Lt. General Bruce C. Clarke in Korea in 1954.

In war much artillery is fired on harassing missions to affect morale. The bombing of North Vietnam is a great booster to our morale and affects adversely the Communist morale.

WE HAVE BEEN A NATION WHICH HAS FOSTERED TEAMWORK AS A NATIONAL TRAIT. IS THAT STILL IMPORTANT?

I think even more so. We are in a great ideological struggle between our way of life and aggressive world Communism. This struggle is now focused in Vietnam. It requires teamwork to win that struggle—teamwork in our forces in Vietnam and teamwork in the whole American team from Maine to Saigon.

In this struggle our President is the elected, constitutional captain of our team. He and our men in Vietnam have the right to expect the degree of loyalty we have learned to give to our football captains and teams in high school and college.

The cement that holds a "team" together is loyalty—loyalty to those above, to those below, and to those at our sides; and, above all, loyalty to ourselves.

When an American steps beyond the bounds of team loyalty he hurts our effort and helps to prolong the war.

"I must frankly tell you that our intelligence indicates that the aggressor presently bases his hopes more on political differences in Saigon and Washington than on his military capacity in South Vietnam."—President Lyndon B. Johnson.

ARE WE WINNING MILITARILY IN VIETNAM?

I think there is no doubt of it now. It is easy to think in battle or war that we have all the problems and that the other side has none. It just isn't so. We have the cream of our professional armed forces there. No force was ever better equipped or led. Our military victories for some time have been consistent and impressive. Our First Team is now scoring.

It will take time and we must not get impatient. The great oriental virtue is patience. We need to acquire some of this too.

We must never think that the end we seek in Vietnam is not worth the cost and the effort. The communists world-wide are trying to convince our people and our allies of this so we will quit.

We have seized and held the initiative for some time now. That is the best indicator we are winning.

I AM DISTURBED BY POLITICAL DEVELOPMENTS IN SOUTH VIETNAM. WHY?

"We should not despair of the political developments in Vietnam. They have not seriously affected the war effort. We need to recollect our own perilous, protracted effort to implant the torch of liberty in America. American Colonists began their resistance to harsh British colonial laws in 1763: 12 years later the shot rang out at Concord Bridge; 8 more years of bitter struggle followed before the Treaty of Paris was signed ending the Revolutionary War; 6 more years were consumed in our endeavor to design a document of government which has stood the test of time, including a civil war. It took 26 years to forge our nation, yet the South Vietnamese have been building one just 12 years. Freedom worth fighting for is worth the time, sweat and tears required to build it."—General HAROLD K. JOHNSON, *Chief of Staff, U.S. Army.*

WHEN WILL THE WAR BE OVER IN VIETNAM?

I cannot guess a date, but I can set forth the conditions that I think will end the fighting. It will end when the Viet Cong and the invaders from North Vietnam abandon their efforts to take over South Vietnam by subversion, terror, and armed aggression. The aggressors will abandon their project when it is no longer worth the cost to carry on—when they are convinced they cannot win on the battlefield. Peace on a meaningful basis will start then.

Our object in winning is not to destroy North Vietnam but to accomplish this change in attitude in the enemy.

We can speed it up by an increase in national loyalty, in unity, and in national teamwork and by stopping to feed the Communists a hope that we here in the United States will get tired and quit.

Our final military victory in South Vietnam may well come without much notice. The enemy may just fade away. This very likely will come when we are getting set for a "second half" push and the Communists know it.

The Communists consider it a victory when they take two steps forward even if forced later to take one step backward. We must be aware of this lest we lose a lot we have fought for at the conference table.

WE HAVE HEARD IT CHARGED THAT THE UNITED STATES USES AN "ARROGANCE OF POWER" IN WORLD AFFAIRS. DO YOU THINK THIS IS SO?

In the last twenty years I have held seven large U.S. troop commands in Europe, in Korea, and in the Pacific. Several times there were allied troops under my command. I was always proud of my country's purpose in supporting such forces overseas. I have detected no arrogance of purpose but quite the contrary in every case.

Arrogance in any form is distasteful, be it financial, economic, political, intellectual or personal. We may have arrogant individuals, but we are not an arrogant nation in our foreign policy as I have seen it at the receiving end.

IT HAS BEEN SAID THAT WE HAVE ALIENATED OUR FRIENDS OVERSEAS AND HAVE LOST PRESTIGE. IS THIS SO?

I probably have been in 35 countries of the world in an official capacity over the past 25 years. I have always found among the bulk of the people a great backlog of friendship for America. We must always remember that we live in a competitive world. Sometimes the competition is keen, as it is now in the political life of our country. Friends on the international front come from mutual self-interest. There is a lot of that in the Western World today holding friends together.

The quickest way to really lose friends and prestige with our many allies would be to accept a defeat in Vietnam.

I believe we should always remember that: "The minority is always noisier than the majority" when a negative attitude is being exposed.

In recent elections in NATO countries there were a total of 13,000,000 Communist votes cast. Hence, it is not difficult to organize demonstrations when we are fighting Communists in South Vietnam.

ASSUMING THERE WILL BE WARS IN THE FUTURE, WHAT PATTERN DO YOU THINK THEY WILL FOLLOW?

I think there will be so-called "Wars of National Liberation" aided and abetted by the two focal points of aggressive Communist expansion: Moscow and Peking. These wars will increase in number if we do not bring the Vietnamese war to a successful conclusion.

Vietnam is the Korea of the 60's. In Korea, we joined the issue then to determine whether the Communists could expand by overt aggression. In South Vietnam, we have moved to defend the proposition that no country shall be undermined and taken over by subversive outside aggression.

Since Korea, the Communists have put aside overt aggression as a tactic. Our success in South Vietnam will cause them to reconsider also so-called "Wars of National Liberation."

This success can only be brought about by our demonstrated strength and determination.

WE HEAR A LOT ABOUT "ESCALATION". WHY IS IT SO DANGEROUS?

The word "escalation" came from the word "escalator"—a device used to move people between floors in a building. This device goes down as well as up, as you know. As applied to warfare, it has come to connote an action that can get out of control. This is a narrow concept.

While the tempo of war and even battle increases and diminishes as the circumstances and the enemy's actions and reactions are brought to bear, I am sure we are doing everything possible in Vietnam, consistent with our objectives, to prevent escalation not in our interest.

Escalation is not a unilateral action; it takes two to escalate. We should remember that the United States is not completely free to move the military action in any direction it chooses. If the North Vietnamese decide to infiltrate additional regular forces into South Vietnam, that calls for a different response by the United States than if the North Vietnamese decided to withdraw forces from South Vietnam.

We should remember that in the conduct of battle or war it is often better to take a measurable step forward to reduce the possibility of uncontrolled escalation later.

WE HAVE HEARD A LOT ABOUT THE RIGHT TO DISSENT. HAVE YOU ANY COMMENTS ON THIS?

"Public debate is, of course, at the heart of the American political process, and as long as such debate serves not to confuse but to isolate and define the issues at stake as a basic for informed, responsible policy-making, then debate serves a constructive and very necessary purposes. As long as debate serves not to convey to other peoples the impression of a nation irresolute and deeply divided, but to reflect an open-minded public responsibly participating in the democratic process, then debate distinguishes our open society where freedom is a fact, from closed societies where freedom is merely a fiction."—General Harold K. Johnson.

When the dissent becomes obstructive in a democracy, it infringes on the rights of the majority and tends to erode national teamwork and national effort. Both the majority and the minority in a democracy have rights the other is bound to respect.

(See my answer to the previous question on "teamwork".)

ARE OUR TROOPS IN VIETNAM WELL TRAINED, ORIENTED, AND INDOCTRINATED?

Our commander in Vietnam is a fine, outstanding, competent American soldier who has a long record of setting the highest standards in management, training, conduct, morality and ethics wherever he has served. I am proud to say he has served in one of my commands.

He was an Eagle Scout.

He has received in recent years the Silver Beaver and Silver Buffalo award from the Boy Scouts of America for his outstanding services to American Boyhood.

He has been Superintendent of West Point.

* * * * *

He has written and published a card for all troops in Vietnam to carry in their billfolds to guide them in their conduct. He lives by these nine rules and expects others in his command to do so:

Nine rules

1. Remember we are guests here. We make no demands and seek no special treatment.
2. Join with the people! Understand their life, use phrases from their language, and honor their customs and laws.
3. Treat women with politeness and respect.
4. Make personal friends among the soldiers and common people.
5. Always give the Vietnamese the right of way.
6. Be alert to security and ready to react with your military skill.
7. Don't attract attention by loud, rude or unusual behavior.
8. Avoid separating yourself from the people by a display of wealth or privilege.
9. Above all else, you are members of the U.S. Military Forces on a difficult mission, responsible for all your official and personal actions. Reflect honor upon yourself and the United States of America.

In the past few months I have visited four of our largest troop training posts. I have seen the training and the indoctrination. I can state positively, from experience in such things in three wars, that our troops being sent to Vietnam in units or as individuals were never better selected, trained or prepared for combat.

CONCLUSIONS

We have drawn the line

I would like to quote from a letter of an Army captain in South Vietnam to his wife just before he was killed:

"We must stand strong and unafraid and give heart to an embattled and confused people. This cannot be done if America loses heart . . . Please don't let them back where you are sell me down the river with talk of despair and defeat. Talk instead of steadfastness, loyalty and of victory—for we must and we can win here. There is no backing out of Vietnam, for it will follow us everywhere we go. We have drawn the line here and the America we all know and love best is not one to back away."—Captain James P. Spruill.

The line is drawn—we either hold on this line in stopping aggressive world Communism or we will leave the world in chaos and contribute to the possibility of World War III.

Fifty years ago the French at Verdun rose to a cry: "Ils Ne Passerent Pas!" and the Germans did not pass.

The whole world is watching to see if we and our allies will repeat that feat in Vietnam in the 1960's. I have no doubt that we will.

I hope you will take that message home with you and use it to help dispel confusion and to creat unity of effort in order to hasten a successful solution in South Vietnam.

Thank you.

THE NATIONAL JAYCEE TEENAGE SAFE DRIVING ROADEO

Mr. TYDINGS. Mr. President, beginning this Sunday, August 7, the final trials of the National Jaycee Teenage Safe Driving Roadeo will take place here in Washington.

The Roadeo was established in 1952 by the U.S. Jaycees and is sponsored by the Jaycees and the Ford Motor Co. Nearly 3 million youngsters have participated in the Roadeo at city, State, and national levels. This year more than 250,000 teenagers from over 2,000 communities will take part in the safe driving competition.

The Roadeo provides youngsters of driving age with an opportunity to improve their driving skills and to demonstrate to their communities their interest in increasing their knowledge of traffic laws. Another beneficial effect of the Roadeo is the stimulation of community interest in high school driver education programs.

The tests given Roadeo contestants are thorough and stiff. They are examined on the rules of the road; undergo a behind-the-wheel test in traffic, and a psychophysical test in a specially devised machine to determine their reaction time.

Local awards range from plaques to U.S. savings bonds. State awards vary, but include cash grants, merchandise awards, and plaques. Each State winner also receives a trip to Washington to compete in the finals. The three top national prizes are a $2,000 college scholarship and a 1966 Comet Cyclone convertible for the first place winner; a $1,500 scholarship for the second place winner; and a $1,000 college scholarship for the third place winner.

Mr. President, I commend the sponsors of the Roadeo for supporting a program valuable to the participants and to the country at large. Programs such as this do a great deal to publicize the need for safe driving, as well as materially improving safety on the roads. I congratulate the administrators of the Roadeo for its great success, and the finalists, who have demonstrated their skill behind the wheel.

ERRONEOUS STATEMENTS REGARDING THE PRICES OF FARM PRODUCTS

Mr. CURTIS. Mr. President, being from a State where agriculture is the cornerstone of the economy, I have been more than a little concerned in recent months about certain erroneous actions taken and statements made by high public officials about the prices of farm products.

I want to carry this concern one step further today and look ahead a year or two or more, with some words of warning about a serious international situation that could develop if mistakes are made by those same officials now.

Particularly I want to call attention to the world wheat situation and its relationship both to production in the United States and to this Nation's position as a world power.

As many of the distinguished Members of this body know, Mr. President, our wheat and feed grain surpluses of a few years ago have dropped to extremely low levels this year. This reduction has occurred despite the oft-stated aims of certain political and governmental leaders in the past to maintain emergency reserves large enough to carry the Nation through an extended period of drought or a severe disaster such as a war which might cripple production for a time.

The reduction of these surpluses or reserves resulted largely from governmental action, first from acreage controls and more recently from the dumping or selling of Government stocks of grain in large quantities on the open

market when the price reaches a certain level.

It is my position, Mr. President, that too much of this grain has been dumped and that this drove prices down at a time when the prices being received by the producer—the farmer—were still far below full parity. I maintain this was wrong especially in that it occurred by Government decree when the purpose of all of our Government farm programs should not be to impose price ceilings, but should be to raise prices received by farmers to full parity in the marketplace.

I believe this was a mistake which cost farmers millions of dollars, Mr. President. Like so many decisions and actions of the past, however, it is a mistake that cannot be corrected, but can only serve as a warning against similar mistakes in the future. Furthermore, it has created a new situation with international ramifications now threatening to do still greater harm not only to farmers but to our entire Nation, and there is still time to head off this threat.

The basis for my concern, Mr. President, is a recent report that the Soviet Union's huge purchases of Canadian wheat will be used for export purposes and to prevent Communist China from getting the grain, as well as for protection against crop failures in Russia itself.

Is this all the Soviet Union has in mind?

No; it is not, Mr. President, and this is the point that prompts me to sound an alarm here today. The information is documented in a Wall Street Journal article written from Munich, Germany, recently by William S. Rukeyser.

This is the point that should disturb every American:

If the Soviet Union has a good year with its own grain crops, and if wheat surpluses in the major exporting nations of the world continue to drop, the Kremlin could achieve a "corner" in free world wheat markets. A "corner" on the market, Mr. President, is when a trader gets control of enough of the available supply of a commodity to allow manipulation of the price.

According to the best information now available, Mr. President, the U.S. wheat crop this year will fall 250 to 300 million bushels short of meeting domestic and export needs totaling about 1.5 billion bushels for the year ahead. This will leave a critically low carryover reserve of only 250 to 300 million bushels next July 1. If this year's drought conditions continue into 1967, our Nation would have no choice except to reduce our food-for-peace wheat exports or ration wheat at home.

Even more startling, Mr. President, is the fact that the Commodity Credit Corporation today has only 80 million bushels of corn and 230 million bushels of wheat in its uncommitted inventories. The corn, I am told, is only 1 week's supply for the Nation's domestic and export needs.

A Republican task force of the House of Representatives recently studied this problem, Mr. President, and I believe both the Congress and the administration should heed its warning.

The task force concluded:

A world food crisis is upon us. The threat of a domestic grain shortage is present. Time is running out for the Administration to take bold action aimed at sharply increasing United States farm production.

I am sounding the further warning, Mr. President, that it will be a sad and costly day for the United States if the Soviet Union through its manipulations and our errors is permitted to control the world wheat market and thus the price of wheat. I hate to think what would happen if the United States had to buy wheat from a Communist nation.

Immediate steps should be taken by the Department of Agriculture, or by Congress if necessary, to increase acreage allotments for wheat and feed grains. This must be done for the national security. Time is of the essence.

At the same time these steps for the national security are taken, steps should be taken to protect our farmers against the improper use of our national security food reserves for price-depressing or price-control purposes to the detriment of our farmers. We can and should provide this protection by setting fixed mandatory amounts for the reserves of the various commodities. The Department of Agriculture could not tamper with the reserves or use or "dump" them in such a way as to affect the price in the marketplace. The fixed amounts would distinguish the "reserves" from the "surpluses" which were accused of depressing farm prices in years past.

As the population of our nation increases, it becomes more necessary almost by the year for us to establish national security reserves of farm products to feed our own people and maintain our food-for-peace distribution program abroad on a stable basis. We owe it to the agricultural community which cooperates in enabling us to achieve these national goals to provide safeguards so that the reserves cannot be used as an economic whip against the producers in the future.

BOB STRAUB OFFERS WILLAMETTE RIVER PLAN

Mrs. NEUBERGER. Mr. President, Members of Congress know how proud we from Oregon are of the beauty and the variety of spectacular scenery in our State. One of our chief assets is the Willamette River, the great tributary that runs between the Cascades and the coast range to join the Columbia at Portland.

But the Willamette has not been mainly a wild, scenic river for fishermen and white-water boating, like the Rogue or the Umpqua or the Deschutes. The hospitable Willamette Valley, mecca for generations of early settlers, now is home to the great majority of Oregon's people—more than a million now, surely 2 million in the next 20 years or so. That means more industrialization, more urbanization of the riverbank, more pollution, less opportunity to preserve the river as the irreplaceable natural feature it is.

Now we have a proposal to do something about it.

Oregon's State treasurer, Mr. Robert W. Straub, has proposed a plan to take public control of the banks along most of the length of the Willamette, from above Springfield to Portland, for development as a primary recreational resource for the 2 million people who will soon live along this stretch of the river. The distance is 220 miles. Most of this land is now in private ownership. But much of it is agricultural or undeveloped—though it will not remain so for long.

Bob Straub suggests using a combination of methods to preserve the banks for hiking, riding, or bicycle trails, for intermittent picnic grounds and campsites, for boating and for fishing and swimming, if and when the tide of pollution is driven back. These methods would include cooperation between the State government, counties, and cities to obtain easements, voluntary donations of presently unproductive land, zoning, and, where necessary, public acquisition of title to the riverbank, except where industry and urban development has already gone too far.

We have a precedent in Oregon for Mr. Straub's plan. Long ago a very far-sighted Governor of Oregon, the last Oswald West, saw to it that Oregon's magnificent beaches, the length of the State's Pacific shore, were placed in perpetual public ownership for all of the people to enjoy as their common birthright. It is this great principle that Bob Straub now proposes to extend to the banks of Oregon's great river, to the extent that this can still be accomplished.

FEDERAL FUNDS SHOULD HELP

One of the ways it can be accomplished may be with the help of Federal funds under the open spaces program and perhaps other programs. I am confident that such funds will be available for a project of this kind. For we here in the Capital know, from the efforts that have now begun to reclaim the Potomac as a living part of our landscape, how vital it is to save a river while there is still time.

Bob Straub's plan is a conservation measure in its truest sense. It was recognized as such at once by many voices, including one of Oregon's leading newspapers, the Eugene Register-Guard.

The Register-Guard commends Mr. Straub for his "vision" and declares that his idea is "more than just commendable; it's great." I agree.

Bob Straub is also the Democratic candidate for Governor of Oregon this years. The Willamette River rediscovery plan is a part of his program for Oregon. The Register-Guard points out that this is no reason to question the plan as just politics. Even Mr. Straub's Republican opponent, Secretary of State Tom McCall, commended the idea. But as elected officials ourselves, we in the Congress may perhaps go a step further. We know that politics, however much the word is used distrustfully, remains the name for the democratic way of deciding on a great public policy—such as the conservation of a great river.

If Oregon moves forward to turn the Willamette River into a foremost recreational showplace of the whole Nation,

as Bob Straub has proposed to do, that vision will not have become reality by itself. It will be the result of a political decision of Oregon's people to make it come true.

Mr. President, I ask unanimous consent to place in the RECORD at this point the editorial of the Eugene Register-Guard supporting Mr. Straub's proposal.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A DREAM TOO THRILLING FOR POLITICS

One thing about State Treasurer Robert W. Straub: He's got imagination. Or, if you prefer, vision. His newest idea—getting as much Willamette River frontage into public hands as possible—is more than just commendable; it's great. And it shows that he's thinking about Oregon not so much as it is today as the way it's going to be 20 and more years hence. He knows that within 20 years close to 2 million people may live within 20 miles of the Willamette River.

Few Oregonians know much about the river. They see it from bridges and that's about it. Few even understand how it runs from Eugene to Portland, meandering along as if it were going out of its way to touch Corvallis, Albany and Independence instead of following the freeway as people do. Yet, what a magnificent recreational resource it could be.

Quite independently of Mr. Straub's brain storm, the Upper Willamette Resource Conservation and Development Project last week sent invitations to civic leaders in Lane, Linn and Benton counties for a boat trip from Dexter Dam to Albany. Chances are that many of the civic leaders, if they go on this three-day excursion, will see country they have never seen before.

Oregon already has two magnificent north-south recreational strips, the Cascade Skyline and the Oregon Coast. Both are accessible to the public over much of their length. But to get to the shore of the Willamette in many places the visitor has to trespass over private property.

The Eugene-Springfield area is far ahead of the rest of the state in recognizing the true, long-range value of the river. Small chunks in Albany, Corvallis and Salem are in public hands. The state owns a 300-foot right-of-way, once acquired for a highway, near Champoeg State Park. But in between, which should be no-man's land, the shore is somebody's.

It's 220 miles from Springfield to the confluence of the Willamette and the Columbia. That means a potential of 440 miles of priceless public recreation land. Some, of course, is already pre-empted for industry or, in Portland's area, for the sluicing of traffic. But much remains. And some private uses, such as irrigation, are not incompatible with what Mr. Straub has in mind.

He's the first to grant that it is unlikely all 440 miles could ever be acquired by the public. "But if we get only a quarter of it. . . ." he says. It's more than we have now.

As a candidate for governor, Mr. Straub may be excused for relating his great dream to his own candidacy. If he's elected (actually, as a politician, Mr. Straub says "when," not "if"), he says, he'll appoint a Willamette River Recreation Commission. That group could encourage municipalities and counties to acquire river frontage. And it could serve as a vehicle for accepting donations of land along the river, perhaps as memorial corridors. That's how much of the coast's state park land was obtained, by donation. No great outlay of public money should be called for.

Mr. Straub's dream should not be rejected out-of-hand because he is a candidate and because this is an election year. Republicans as well as Democrats can welcome his idea. Mr. Straub's Republican opponent, Tom McCall, in a speech in Eugene Thursday, called the idea "magnificent" in "scope and sweep." Politics should not get in the way of the truth that future generations will thank this one for saving something, as we thank our grandparents for preserving so much of the Oregon Coast.

SECRETARY FREEMAN DEFENDS FAIR FARM PRICES—CALLS FOR VIGOROUS FOOD PRICE INVESTIGATION

Mr. McGOVERN. Mr. President, a few moments ago I was handed the text of remarks which Secretary of Agriculture Orville Freeman made in an appearance this morning before the New York City Council at city hall in New York, on food price increases.

In his statement, the Secretary has very properly emphasized the rather small proportion of the food price increases which is going to the farmers of the Nation. He has contrasted the earnings of farm people—their disposable income—with the higher disposable income of others in the economy. He has emphasized that food has cost a declining portion of the disposable income of our citizens for a good many years.

The Secretary outlined the following five points.

1. Only a small portion of the increased cost of food at the retail level can be traced to increased farm prices.

2. Recent modest farm price increases are badly needed and have been earned. Both consumers and farmers benefit when the farmer is fairly rewarded for his labor. The farmer has not been fairly rewarded in the past, and if this situation is allowed to persist, food supplies will diminish as farmers leave agriculture. Prices will then increase sharply and the consumer ultimately will pay much more.

3. Many factors—convenience items, services, etc.—go into the retail price of food. All of us as consumers must decide whether we wish to buy such convenience and such service along with our daily bread.

4. The real cost of food—measured as a percentage of income and in the number of hours of work necessary to buy it—has been going steadily down.

5. Food price increases beyond the modest farm price increases so far experienced call for vigorous investigation. Food is a necessity. The food middleman is entitled to a fair return for his capital and labor, but more than a fair return is not in the interest of the consumer, the farmer, or the businessman.

As the author of a resolution which passed the Senate Agriculture Committee unanimously calling for a study of current food price increases, I want to commend the Secretary for his statement, and for going to New York City to help create understanding of the food price situation.

I especially endorse his point 5. Food price increases should be thoroughly investigated, not to create a scapegoat, but to give the consuming public a clear understanding of where their food money is going; to prevent efforts to unjustly blame it all on farmers; and to assure an equitable food price level for the benefit of farmers, consumers, and those in between—the middlemen.

I ask unanimous consent that the Secretary's statement be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SECRETARY OF AGRICULTURE ORVILLE L. FREEMAN BEFORE NEW YORK CITY COUNCIL, CITY HALL, NEW YORK, N.Y., AUGUST 4, 1966

Mr. President, Members of the New York City Council, I should like to begin these remarks by commending the leadership and the members of this Council for your concern and interest in food and food costs.

New York is a great city. Its millions of people consume enormous quantities of food. Even a small change in the cost of that food affects their standard of living. This is especially true of large families, and particularly so of those in the low income groups.

Therefore, it is wise, timely, and responsive that you propose to investigate recent food price changes. I applaud your initiative. And I thank you for this invitation to take part in your hearings—an invitation which I accepted with alacrity.

My philosophy of food and people recognizes the basic unity of interest between the farmer and the consumer—and with the food marketing system, too. The farmer earns his livelihood by producing food abundantly for consumers, and he expects to receive a fair price for his product. The consumer depends upon the farmer for that abundance of food, and knows that he must pay an adequate price in order to receive it. There is no conflict in these viewpoints . . . or in the concept that what is good for the farmer and consumer is in the long run good for the middleman as well.

In addition, each farmer is himself a consumer. Most farmers today buy their food at the supermarket like the city consumer. All of us recognize that nutritious food in adequate supply is necessary to our well-being.

We know that food, like other things, must be paid for. However, because we must have food to live, and because food is an important item in our family budget, and because we buy it more frequently than any other item or service, we are likely to be very sensitive about food costs—and vocal about them, too.

This is as it should be. The focus of public attention is the most effective instrument for fair play that we have in a free society. Therefore, your investigation is a useful one, and I am pleased to do my best to contribute to it.

Let me repeat that both farmers and consumers benefit from fair and stable farm and food prices. Violent upswings and downswings disrupt markets and supplies, damaging producers and consumers alike.

Sometimes we tend to see only one side of the equation. It is easy to see how prices that are too high penalize consumers. But it is equally true, though less immediately apparent, that in the long run prices that are too low also hurt consumers.

A fair price must be paid. If it is not paid, consumers eventually will not be able to command the resources and the services to get the food quality and abundance they desire at prices that are equitable. If the farmer and those who manufacture his production tools, supplies, and equipment—and if those who process and distribute what the farmer produces and bring it to the consumer in an attractive, sanitary, and nutritious way—if all these do not get a fair return, their labor and their capital will go elsewhere.

Obvious as this is, it bears restating.

It is well to note that over the past year, dairy farmers have left the farm at twice the usual rate, and the number of dairy cows has dropped to the lowest level since 1900.

With alternative kinds of employment available, many dairy farmers are putting both their capital and labor elsewhere.

Dairy farmers have been the lowest paid of the generally underpaid farm segment. In New York last year, dairy farmers earned only 40 cents an hour after costs and a 5¾ percent (prevailing rate) return on capital. In Wisconsin, where the prevailing interest rate was 5½ percent, the hourly return in 1965 was 60 cents.

Is it any wonder that thousands of them are taking the better paid jobs available today in our booming economy with a 40-hour work week and no cows that must be milked morning and night? The clearly predictable result of this movement out of dairying has been a sharp cut in the supply of milk with higher prices to the consumer.

The issue, then, becomes clearly: What is a fair price? What should the farmer receive? Are unreasonable profits being made? What is the true story? Is the American consumer getting good food at a fair price? or is he being exploited in the marketplace?

As I have said, I am here to be of service to you in your important investigation. But I also come to you—and through you to the consumers of this great city and other cities throughout the United States—with a simple plea, "Don't make the farmer the scapegoat for increases in the cost of living and for the inflationary pressures that may now exist."

I respectfully submit that recent modest farm price increases have been too long delayed.

They are fair to the farmer.

They are needed by the farmer.

They are not unfair to the consumer.

In a broad sense, they are in the national interest.

Farm price increases have occasioned only a small part of the rise in food prices that we have witnessed recently. Permit me to illustrate my point by an analysis of price increases in certain of the more important food items to which attention has been called repeatedly in the press and on the air in New York City.

Most prominently mentioned have been milk and bread. According to newspaper accounts, the retail price for a 1-pound loaf of white bread rose 3 cents from July 1965 to July 1966. In that same period, the farmer's return for the farm ingredients in that 1-pound loaf—the wheat, skim milk, and other farm products—rose from 3.4 cents to 3.9 cents.

The price rise to the farmer was only half a cent—compared with a reported 3 cent rise in the retail cost. Clearly, 2.5 cents of the 3 cent rise in the loaf of bread was not caused by the farmer.

A little history emphasizes this point. In 1950 the farmer received about 2½ cents for the wheat that went into a 1-pound loaf of bread. That loaf retailed for about 14 cents then. Today the farmer receives 3.2 cents. But the price of bread around the nation now averages 22 cents. The farmer is receiving less than a penny more for the wheat in a loaf of bread for which the retail price has increased 8 cents.

The situation for milk is comparable. Increases of 2 to 3 cents a quart have been reported in New York City at the retail level. During 1966 the average price paid to farmers for Class I fluid milk will increase between 40 and 45 cents per 100 pounds over last year. With 46 quarts of milk in each 100 pounds, a retail price increase of about 1 cent a quart would be justified. Anything more than this must be accounted for by other factors.

The question thus becomes, "What about the farm price increases for milk and bread?" Were farmers adequately rewarded before these increases occurred? Or are the increases justified? Are they fair? Are they in the national interest?

The period 1947 to 1949 is customarily used as a base for comparison of price changes in the various items we buy as consumers—and if we use it as a base to measure recent trends in farm prices, marketing charges, and retail food prices, some interesting facts emerge.

1. Farm prices in 1965 were 8 percent below the 1947–49 base period. In first-half 1966 they were 2 percent below, and last month they were 1½ percent below the base period.

2. Retail food prices in 1965 were 28 percent higher than in the 1947–49 period. In June 1966, they were up 34 percent from the base period.

Last year the cost to consumers of farm-produced food totaled $77.6 billion, up $34.2 billion, or 79 percent, from the 1947–49 average of $43.4 billion. Of this $34.2 billion increase in the cost of farm-produced food, $27.6 billion, or 80.7 percent, was received by the marketing agencies, processors, and other components—in other words, the middleman. Only $6.6 billion, or 19.3 percent, trickled down to the farmer for the much larger volume of products he delivered to the distribution system.

The point these figures dramatize is that farm prices and farm income have lagged far behind the return to other sectors of our economy. May I call your attention to certain charts (appended to this statement) which I think will clarify some of the points at issue?

Chart 1 (not printed in RECORD) shows the widening gap between retail food prices and the prices received by farmers.

Charts 2, 3, and 4 (not printed in RECORD) compare prices for wheat, dairy, and meat at the farm with retail prices of bread and other bakery, meat, and cereal products.

These objective facts establish, I think, beyond controversy that farm prices are not the major cause of increased food prices that we are now experiencing. On the contrary, farm prices lag far behind the increased prices of other items which make up the cost of living.

Do you know of any other major item—whether it be taxes, transportation, professional services, housing or whatever—whose price is less today than it was two decades ago? I'm sure the answer is "no." There are no other items making up a considerable part of our cost of living that have actually decreased in price.

We are all concerned with rising prices—the farmer no less than the city dweller. Since 1960, the things the farmer has to buy have gone up by 11 percent. If he had not increased his productivity during these years, his financial position would be very bleak indeed. But since 1960 farm productivity per man hour is up by nearly one-third, compared with an increase in productivity in the non-farm sector of only about 18 percent.

And since 1947, farm output per man hour has risen 185 percent as against an increase of 65 percent in the non-farm sector.

This sizable increase in farm productivity didn't "just happen." The farmer has invested millions upon millions of his own dollars to improve his agricultural plant. Government programs—research, economic stabilization, credit—have aided and encouraged the farmer to increase his productivity. And the results have been worth the effort.

Today, the American consumer—despite recent price rises—is eating better food, at a lower real cost, than he ever has before. As chart 5 shows, the average family today spends about 18 percent of its after-tax pay on food—the lowest average in the world, and by far the lowest in our entire history. In 1947, this same family spent 26 percent of its take-home pay for food, and as recently as 1960 spent 20 percent. If the percent of take-home pay spent for food remained the same as it was in 1947, $35 billion would be added to the nation's food bill and about $750 a year to a family of four.

Let's compare 1960 with today to see how much more we can buy now than we could then: One hour of factory labor earnings in 1965 bought:

12.5 pounds of white bread—compared with 11.1 pounds in 1960.

2.4 pounds of round steak—compared with 2.1 pounds.

3.2 pounds of sliced bacon—compared with 3.5 pounds.

3.5 pounds of butter—compared with 3 pounds.

9.9 quarts of milk—compared with 8.7 quarts.

5 dozen eggs—compared with 3.9 dozen.

27.8 pounds of potatoes—compared with 31.4 pounds.

16.2 cans of tomatoes—compared with 14.2 cans.

American farmers not only have provided a plentiful supply of food for their own country; they have also given the United States a valuable instrument for other uses. This year agriculture will earn more than $5 billion of precious foreign exchange, thus setting a new export record. Each year food assumes a more important role in American foreign policy.

This year we are shipping about one-quarter of our total wheat crop to one nation, India . . . and this wheat is the only thing standing between that sub-continent and widespread famine. Since 1954, 145 million tons of American food, at a cost of more than $15 billion, have gone to hundreds of millions of hungry, needy people all over the world. This magnificent humanitarian record is a tribute to the generosity of our people and the productivity of our farmers.

But even if we are persuaded, now, that the farmer is entitled to some price increases as a matter of fairness and in the nation's interest, the question still remains: Why have recent jumps in certain food prices exceeded farm price increases?

Why have bread prices jumped a reported 3 cents a pound, rather than the ½ cent that farm price increases would justify . . . and why has milk gone up 3 cents a quart, instead of 1 cent?

This very important question deserves a prompt and factual answer.

So far, to my knowledge, consumers have not received such an answer. But I am sure that the members of this Council and many New York City consumers read with interest, as did the Secretary of Agriculture, a comparison of the second quarters of 1965 and 1966 in the July 29 issue of the Wall Street Journal which showed that profits for 12 unnamed grocery chains are up 21 percent over a year ago, and profits of food products companies are up 16.5 percent.

And now, as you pursue the answer to the food price question, I promise you the wholehearted cooperation, support and assistance of the United States Department of Agriculture.

Permit me to make a few additional points which I am sure you will want to keep in mind as your investigation goes forward.

These facts are too often overlooked:

1. Farm prices and food prices may be, and usually are, two different things.

2. Americans are choosing more expensive types of food than formerly, and are eating a smaller volume of the lower-price foods. Over the past 20 years, consumption of meat is up about 20 pounds per person, and most of the increase has come in the higher priced cuts of meat. Conversely, consumption of cereal products, an inexpensive item, is down about 25 pounds per person per year over the same period.

3. Today's consumers are receiving more services with their food purchases. For instance:

The typical American supermarket today stocks from six to ten thousand items on its shelves, double the number it did 20 years

ago. It is not unusual to find as many as 85 different cuts of meat and poultry and 70 different varieties of canned vegetables in one market. An estimated 70 percent of sales today are for products that did not even exist 10 years ago. All of these innovations cost money, and all must be paid for by the consumer.

Other non-food services—parking lots, check cashiers, trading stamps, advertising and promotion—also cost money.

4. Convenience foods, to the extent they are purchased by a housewife, also add to her food bill. A good example is the TV dinner, selling for 60 cents. Prepared at home, it would cost 20 cents. In this case the housewife pays about 40 cents for built-in services. These convenience foods free the housewife for other activities and give her more time to spend with her family, but they are an item in increased food costs which cannot be charged to the farmer. For a TV dinner, for instance, the farmer receives only about 8 cents for his products out of the 60 cents retail cost.

5. The shopper in the supermarket often buys many times in addition to food. Cigarettes, cosmetics, hardware, and even wearing apparel go through many a supermarket check-out counter. Certainly, these items cannot properly be considered a part of the family food budget.

Finally, let me point out once again that:

1. Only a small portion of the increased cost of food at the retail level can be traced to increased farm prices.

2. Recent modest farm price increases are badly needed and have been earned. Both consumers and farmers benefit when the farmer is fairly rewarded for his labor. The farmer has not been fairly rewarded in the past, and if this situation is allowed to persist, food supplies will diminish as farmers leave agriculture. Prices will then increase sharply and the consumer ultimately will pay much more.

3. Many factors—convenience items, services, etc.—go into the retail price of food. All of us as consumers must decide whether we wish to buy such convenience and such service along with our daily bread.

4. The real cost of food—measured as a percentage of income and in the number of hours of work necessary to buy it—has been going steadily down.

5. Food price increases beyond the modest farm price increases so far experienced call for vigorous investigation. Food is a necessity. The food middleman is entitled to a fair return for his capital and labor, but more than a fair return is not in the interest of the consumer, the farmer, or the businessman.

OPPORTUNITIES FOR THE ELDERLY

Mr. WILLIAMS of New Jersey. Mr. President, too often we in this Nation think of a man or a woman as retired or elderly only because he or she has lived 65 years or thereabouts. But our older Americans are getting younger all the time, both in terms of outlook and in terms of capacity for new experiences.

At least they should be. We are trying, in legislation and in community organization, to pay more effective attention to the health needs and other needs of those near or past age 65.

But no matter how tolerable we make idleness, many older Americans feel that there should be some way in which they can make use of their knowledge and energies. Some may want additional income. Others may want to give service to others. Many simply feel excluded from society if they do not work in some way.

Columnist Sylvia Porter, in her usual illuminating and hard-hitting way, has summarized the problems now facing older Americans who want work. Her syndicated articles—which appeared on June 28, 29, 30, and July 1—also described the several attempts by Federal agencies to break through barriers now facing the older worker. The Office of Economic Opportunity, for example, has sponsored limited but promising programs enlisting the elderly. The Department of Labor is increasing its technical services to the elderly and would add more service under legislation now under consideration by Congress. The Administration on Aging, created by Congress last year, must work with other agencies to reduce age discrimination and encourage work opportunities.

The articles also note that proposals for a Senior Service Corps, now before Congress, could be an imaginative answer to many older worker problems. As the sponsor of one such proposal I would like to suggest that a Senior Corps could serve at least three purposes:

It would show more dramatically than ever before that older Americans are able and willing to serve in worthwhile community service programs.

It would encourage responsible private and public sponsors to develop programs to deal with long-standing community needs.

It would serve as a referral agency to those older workers who might be more adequately served by other programs now contemplated by the Department of Labor.

Thus, the Corps would be a spearhead and a focal point in employment and service programs for older Americans.

Mr. President, Mrs. Porter's articles give a valuable summary of a problem that should be of concern to each one of us. I ask unanimous consent to have them printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

FINDING JOBS FOR THE ELDERLY—I

(By Sylvia Porter)

"Let us repay our older Americans for their sustained creative participation in our national and community life by providing them with a wide range of meaningful opportunities . . . let us find ways to employ the skill and wisdom that so many of our older Americans possess and long to share. . . ." President Johnson, March 26, 1964.

It was a ringing challenge indeed. But more than two years later not much has been done.

The Older Americans Act of 1965 calls for the "opportunity for employment with no discriminatory personnel practices because of age." But job discrimination because of age remains widespread in the U.S.

In August of 1965 an Office of Economic Opportunity Task Force on Programs for Older Persons recommended 10 concrete programs to increase the incomes of the elderly, all providing paying job opportunities. To date, only token action has been taken to implement them and only one in 100 poverty dollars is earmarked for the elderly.

Nearly two years ago the President's Council on Aging recommended a new part-time employment service under the U.S. Employment Service to help find more part-time jobs for elderly Americans and provide more education and training opportunities for elderly workers. But only baby steps have been taken in this direction. Only one in 10 job trainees under the Manpower Development and Training Act is 45 years or older and only an insignificant fraction are as old as 65.

The slogan for "Senior Citizens' Month" in May promised a "new day for older Americans." The new day is far from dawning and, in the words of Charles Odell, assistant to the director of the U.S. Employment Service, "there is no great cause for optimism."

It is a fact that the often desperate financial plight of elderly citizens has been almost ignored by government, business, welfare agencies and poverty warriors. We have created a retirement income foundation through Social Security but we make it dreadfully difficult for the estimated two-thirds of those reaching age 65 who would like to continue working to supplement this income through paying jobs.

Corporations have expanded and improved pension plans for retired workers. But they still insist on arbitrary retirement policies which force older workers out of their jobs. Corporate hiring practices have steadily reduced the age of the "older worker" to age 40–50 today.

As for "the Great Society," the elderly have been barred from helping the nation with its problems, says William R. Hutton, executive director of the National Council of Senior Citizens. "Many of those who tried to help have met the prevailing attitude of mere tolerance or condescension toward people over 65. Our so-called 'welfare' policies have been calculated to make the aged think poorly of themselves, sapping their self-respect," Hutton says.

In summary, none of the countless committees, study groups, task forces, gerontological seminars, Federal do-good agencies, etc., etc. has managed to provide meaningful numbers of jobs for the elderly who are willing, able and in need of work.

President Johnson is calling for yet another "special study" to find out "what we can do in the twilight period of people's lives."

They need another study? No! What they need are jobs.

JOBS FOR THE ELDERLY—II

(By Sylvia Porter)

Question: "I am 63, healthy, and not afraid to work. But nobody wants me because I am too old. I don't want any financial help, but please advise me where I can go to get a job to supplement my Social Security check."

Answer: Almost nowhere.

This plea underlines the problem facing many older Americans today: widespread rejection by employers. The answer underlines the failure to tackle the problem.

As Mrs. Geneva Mathiasen, executive director of the National Council on the Aging, recently testified before a Senate Special Committee, today's elderly "walk a taut tightrope between a lengthening longevity and a shrinking bank balance." A man now reaching the official retirement age of 65 can expect to live 13 additional years and a woman aged 65 lives an average of 16 more years.

Yet for many this milestone means automatic retirement and poverty: while citizens aged 65 and over now are nearly 10 percent of the population, they are at least 20 percent of the poor.

Officially, the unemployment rate for the elderly is below the national jobless rate of 4 percent. But this is misleading. The reason that rate is so low is that the elderly know there are no jobs for them and they stop looking. It's called "retirement," but

as Mrs. Mathiasen says, it's "no more than a polite word for unemployment."

Nine of 10 large U.S. corporations have mandatory retirement policies. While at least 20 states now have laws barring job discrimination on the basis of age, one-half of the job openings in the U.S. still are closed to anybody aged 55 or over, and one in four job openings is closed to workers as young as 45.

Today, the Labor Department classifies a worker aged 45 or older as an "older worker" and this age group now makes up nearly one-half of the nation's long-term unemployed. Three out of four of the unemployed aged 65 or over are out of work for at least 15 weeks.

The cost to the U.S. economy of these facts, in unemployment compensation and lost production, is estimated at more than $4 billion a year.

Yet study after study of the job performance of older workers has shown that absenteeism actually is lower than among younger workers; that the older worker is at least as productive as his younger counterpart; that the average 55-year-old man remains on a new job longer than the average 25-year-old.

Admittedly, a key obstacle to providing jobs for the elderly is their relative lack of education and skills. More than three-fourths of the aged poor family heads have had less than eight years of schooling.

Another obstacle is the isolation of the elderly. As one observer put it: "They are to be found in the rooms of rundown hotels of the central city, in old homes and apartments, in mining and railroad towns, in rural shacks."

But the vital "but" is that millions do have sufficient education, skills and know-how to perform many needed services today. The heart of the matter is that neither the economy nor the "Great Society" should perpetuate today's policies concerning the elderly. The economy needs the skills of all the experienced workers it can get.

PILOT JOB PROJECTS MAY HELP ELDERLY

(By Sylvia Porter)

"Across the land," declared antipoverty chief Sargent Shriver at a recent hearing by the special Senate committee on aging, "the American people are thinking about the problems of aging. America cares, America is concerned, America is dedicated to improving the lot of its senior citizens."

Are we? If so, exactly what are we doing to relieve the poverty that now hits one in five of the elderly, the forced unemployment through mandatory retirement, the massive job discrimination because of age?

A new administration on aging has been created under the Older Americans Act of 1965. It is supposed to be working up a coordinated program of services and opportunities for our older citizens.

The Small Business Administration is trying to draw up a national roster of retired business and professional men and women to provide faltering small businesses with specialized counseling in a variety of different fields.

WORK FOR FARMERS

The roster still is not truly nationwide, but it is a service thousands of small businesses badly need and it could give rewarding part-time work to hundreds of semiretired businessmen and women.

The Office of Economic Opportunity has launched a Foster Grandparents project which employs older Americans to provide desperately needed tender loving care to abandoned and underprivileged children in orphanages and other institutions. As one worker remarked: "it gives me something to get up for in the morning."

The O. E. O. also is helping to finance Operation Green Thumb, employing retired farmers to help beautify our rural roadsides and countryside.

Says an O. E. O. spokesman: "Communities all over the country are just beginning to draw up plans to help the elderly poor—and to request antipoverty funds."

The National Council on the Aging has been developing and distributing models for a variety of part-time and full-time job opportunities and employment services in communities where the elderly are concentrated. The work is mostly in community and household services. And the O. E. O. has approved plans for several comprehensive senior-citizen service centers which offer counseling, job-referral, health and legal services, and educational and recreational opportunities.

The United States Employment Service has trained and hired 75 older-worker specialists in six major cities who will interview and counsel elderly job applicants and attempt to develop new local job opportunities tailored to the specific needs and abilities of the elderly. This effort is due to be extended soon to 20 cities.

The U. S. E. S. has, in addition, launched two experimental projects to organize special part-time employment services primarily for elderly workers—and to tap the services of volunteers who can help pinpoint suitable part-time jobs.

We have made a good beginning, in the words of the just-released report of the Senate committee on aging. But it's painfully obvious that every single effort to develop jobs for older Americans now underway is on an extremely limited scale. It is a good—but token—start.

FINDING JOBS FOR THE ELDERLY

(By Sylvia Porter)

Many Americans, officially retired, are able and willing to work—at least part-time—and to perform badly-needed services.

Yet the efforts to provide jobs for the elderly are pitifully limited and half-hearted.

What should be done?

There are pages and pages of evidence, testimony and recommendations on jobs for the elderly. Here are the highlights that stand out:

1. The Office of Economic Opportunity, which recently launched a limited number of highly successful projects employing elderly Americans, should greatly expand such projects. For example, this spring's short-lived "Medicare Alert" campaign, in which 14,500 older workers tracked down many other elderly citizens to inform them about Medicare doctor insurance, might be continued to perform many other services.

EXPANSION URGED

2. The OEO's "Foster Grandparents," which employs older Americans to work with underprivileged children in institutions, should be greatly expanded. There are more than 20,000 abandoned institutionalized children, but to date there are only about 1,100 "Foster Grandparents." The elderly could also help relieve the nationwide shortages of tutors and other school helpers.

3. In August, 1965, President Johnson announced a massive project to train elderly Americans as "home health aides" to perform a variety of tasks to help fill the gap of an anticipated 50,000 workers because of Medicare. Today Medicare is in effect but not a single home health aide has been trained. Thousands of additional orderlies, kitchen assistants, nurse aides, etc. will be needed in hospital clinics and nursing homes under Medicare. Again, older Americans obviously could help fill this need with only a minimum of training.

TWO BILLS CITED

4. Older workers also could serve as "handymen" in rural areas: making regular visits in pick-up trucks to other elderly citizens; performing such services as repairing broken window panes, patching roofs, helping plant small gardens; transporting those in need to the doctor or local anti-poverty agencies.

As evidence of this need, an estimated 2.5 million homes occupied by elderly citizens are classified as "dilapidated" or in otherwise seriously deficient condition.

5. Two bills moving through Congress call for a new "Senior Service Corps" providing elderly citizens across the nation with a wide variety of paying jobs in all these areas and in a wide variety of other community services. Such a Corps could be an imaginative answer to many of the employment-income problems.

6. An imperative is greatly expanded opportunities for short-term training, basic education, special employment and job counseling services. A key point is that two-thirds of the retirees who wish to continue working want part-time jobs.

And perhaps most fundamental of all is the need for an overhaul of all attitudes toward arbitrary retirement. The National Commission on Technology, Automation and Economic Progress reported recently to the President: "The idea of a fixed retirement age makes little sense in a society so diverse in its work and skills."

In the words of Labor Secretary Willard Wirtz, we must break away "from the sterile view of man that fixes a time to learn, a time to earn and a time to die."

PRESIDENT JOHNSON'S FOREFATHERS CAME FROM KENTUCKY

Mr. YARBOROUGH. Mr. President, on Saturday, July 23, President Johnson made an impressive tour of Indiana and Kentucky and parts of Illinois, and Tennessee. It was my privilege to be with the party and to see the great welcome extended the President on that trip.

In his brief remarks at the airport at Louisville, Ky., to an enthusiastic crowd gathered there at 8:10 p.m., on Saturday, July 23, President Johnson gave some history of his family in Kentucky, the DeSheas and the Huffmans of Kentucky. The DeSheas are one of the alltime leading great families of Kentucky, and I believe the Members of the Congress would like to know this background in President Johnson's life.

In his remarks, the President announced an Economic Development Administration grant for a national outdoor facility at Lake Barkley State Park. This facility and others developed by the Tennessee Valley Authority in the general area will provide recreational opportunities for many Americans. Our servicemen at Fort Campbell will profit from the location of the facility, and the project will help the economic situation of the area. This project is a fine example of the results of our new Great Society programs.

Mr. President, I ask unanimous consent that there be placed in the RECORD at this point President Lyndon Johnson's remarks at the Louisville, Ky., airport upon his arrival there.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT UPON ARRIVAL AT LOUISVILLE, KY., AIRPORT

Mr. Mayor, Mr. Young, Senator COOPER, Senator MORTON, Mr. Barnsley, Mr. Bingham, Distinguished Members of the House and Senate who are traveling with us, My Friends of Kentucky.

Mrs. Johnson and I want to express our deepest and sincerest thanks to you for coming out here this late in the evening, bringing your signs and giving us this warm welcome to the great City of Louisville in the great State of Kentucky.

I always get a peculiar pleasure when I set my foot on Kentucky soil. I am sorry that I can't be here longer tonight—at least not this trip. But I am coming back.

The Johnsons will always come back to Kentucky, because—and I hope this won't get me in trouble down home—Kentucky is where we really started out.

My father's mother was born in Russellville. My great great grandmother was a sister of a Governor of Kentucky, Joseph Deshea, and a sister of a major general of Kentucky in the War of 1812, and a sister of a Congressman from Kentucky, and a sister of a Congressman from Tennessee, all of them happened to be Desheas.

My great grandfather, John Huffman, was a Kentucky farmer until the middle of the last century. He did move to Texas, but I hope that you won't hold that against him.

He was really seeking new horizons. He thought that that was in the best Kentucky tradition. That Kentucky tradition gave us men like Daniel Boone and Casey Jones. It also gave us great institutions like the TVA.

Thirty years ago the people of Kentucky, in this whole region, faced an uphill climb. The hill was long, and it was steep. But while the rest of the country was debating, Kentucky was marching.

You may, with my economists, keep calling the Upper South an exciting new frontier of progress. But you took Franklin Roosevelt's New Deal—you converted it into the beginning of a great new society, for I was still just a Junior Congressman.

This is a good place, I think, and a good time tonight for the Governor to announce another step forward.

The Governor and the delegation and my associates in Washington, who all are interested in Kentucky, have been working on a plan that we think would be helpful to this great state.

Tonight we can tell you that we have approved the request of the State of Kentucky, through its Governor, for a grant from the Economic Development Administration for the development of a great new natural outdoor facility at Lake Barkley State Park. The amount of the Federal grant is approximately $4 million. It will be matched equally by the funds provided by the Commonwealth of Kentucky.

The public facility which will be constructed with these funds will add to and complete the other facilities planned for the Kentucky Lake and Lake Barkley and the natural recreation areas that are now being developed by the Tennessee Valley Authority at your lakes. All of these facilities will provide recreational opportunities for more than 70 million Americans, who will be located within a day's drive of this beautiful recreational area. It will also be available to our fine fighting servicemen and their families who have served this country so well and who are now stationed at Fort Campbell, which we visited earlier this afternoon.

The immediate area adjacent to the city of this project is an area of economic need. It meets all the tests outlined in the Economic Development Act of 1965.

So we are convinced that the development will make a material contribution to the economic well-being of this area. It is going to save me some time that I have been spending, because I think it is easier to make the grant than it is to take the calls from the Governor and the Senators from Kentucky and the Congressional delegation.

This area, which is jointly being developed by Federal and State and private enterprise is destined to become one of this nation's most attractive and best outdoor recreational areas.

So I am very proud of my Kentucky heritage. I try to live up to it.

I want to thank you again for your welcome. I want to thank you for the contribution that this great State has made in the Halls of Congress, in the outstanding leaders that you have provided us in this nation, in the field of public service, in the field of journalism, in the field of the development of the TVA, and many other worthwhile projects.

I particularly want to thank you for furnishing us the most able executive, I think, that we have in the White House, Mrs. Bess Clements Abel, a Kentucky girl, who walks with Kings and Prime Ministers and never loses the common touch to the extent but what she can lecture the President.

So I thank you again for all the contributions of Kentucky. I hope that you will go right on doing what you have been doing since the Johnson family moved away to Texas and just keep on setting the standards for the rest of us to follow.

Thank you and good night.

SOME UNANSWERED QUESTIONS ON THE HANOI-HAIPHONG RAIDS

Mr. HARTKE. Mr. President, a recent article by the noted writer on Vietnam, Prof. Bernard Fall of Howard University, raises some very curious questions concerning our raids on the oil storage depots at Haiphong and Hanoi.

Why did not Hanoi deploy its jetplanes—Mig–17's and Mig–21's—to protect the oil depots?

Why was our June 29 raid carried out in daylight, as though we were confident there would be no fighter plane interception?

Why was the timing of the first raid taken when it was?

Finally, and perhaps of first importance, is there a vital effect upon Hanoi from our bombing raids?

Mr. Fall does not give us answers, but there is some utility in raising questions. In doing so, he also gives us a considerable number of background facts which have not been presented publicly, at least for the most part, otherwise.

Mr. President, I ask that the article in the New Republic of July 16, "The Air Raids—Leftover Puzzles" may appear in the CONGRESSIONAL RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New Republic, July 16, 1966]

THE AIR RAIDS—LEFTOVER PUZZLES

". . . On June 26 the Far Eastern Air Force [FEAF] Target Committee nevertheless proposed that FEAF combat-operations policy ought at least be rewritten sufficiently . . . to maintain air pressure through destruction operations rather than to continue with the old policies of delay, disruption, and dislocation. . . . This modification is not a major change in policy, but rather a shift in emphasis from delay and disruption operations to destruction."

The above lines deal with the June 26, 1952 decision to bomb North *Korean* electrical power plants. [Robert Frank Futrell, of the USAF Historical Division, *et al., The United States Air Force in Korea 1950-1953,* New York: Duell, Sloan & Pearce, 1961, p. 457.] Almost 14 years later to the day, President Johnson and his key advisers also explained that the bombing of the oil storage targets in the Hanoi-Haiphong area did not constitute a change in policy, even though it marked a shift from attempting to delay North Vietnamese supply and troop reinforcements to a policy of attempting to destroy them at their source. These raids raise some intriguing questions, which require a short recapitulation of the targets and forces involved.

North Vietnam's known petroleum storage capacity is estimated at about 155,000 to 180,000 metric tons. The greater Haiphong area, with its sub-depots at Do-Son, accounts for 40 percent of the storage capacity; Hanoi for 20; Dong-Nham for 9; Bac-Giang for 4; and Nguyen Khé and Viet-Tri together for perhaps 12. They were all hit during the past week and, according to official reports, heavily damaged, if not altogether destroyed. If the official accounts are correct, the North Vietnamese lost 86 percent, or close to 130,000 tons of their total storage capacity. That indeed would be a crippling blow to anyone's *conventional* transport system and, above all, air power. A German 1963 study for example, showed that the superb Nazi jet fighters (we had no combat-worthy jets until 1946) were kept from being effective simply because they lacked fuel.

The same would hold true for Ho Chi Minh's precious 70-odd jets, the bulk of which are obsolescent MIG–17's, though perhaps a dozen are contemporary MIG–21 fighters fully able to take on American planes in combat. (Two American jets were shot down by them last year, and just recently, on June 22, a North Vietnamese MIG–17 shot down an American F–8 Crusader 40 miles north of Haiphong.) It is clear, then, that under certain circumstances the small North Vietnamese Air Force *will* engage American airplanes in combat—but rather surprisingly, the defense of the allegedly "vital" oil storage tanks was apparently not one of them! Thus far, not a single of the many American attacks against the oil storage areas has brought about any reaction on the part of the MIGs, although all other means of air defense, from light and heavy flak to SAM antiaircraft missiles, were committed without a shred of hesitation.

This is the more remarkable, since the first major American raid on Hanoi and Haiphong comprised at least 46 aircraft which came both from carriers in the Gulf of Tonkin and from American airbases in Thailand. They were surely picked up by North Vietnamese radar at least 100, if not 200, miles before reaching their targets: plenty of time for North Vitnamese jets to "scramble" to combat and intercept altitude; and, after all, what more "vital" targets would there be for them to defend than the Hanoi-Haiphong "envelope"? A similarly puzzling situation must have confronted the American pilots flying the mission. Fighter-bombers loaded down with bombs are sitting ducks for fast interceptors. Hence, to fly against Hanoi and Haiphong in the face of 70 undestroyed MIGs willing to defend their country's vitals could have developed into a major disaster. Even the approach of the MIGs would have compelled the American bombers to take such defensive measures as to abort part of the mission. Or sound aerial warfare practice would have compelled the US to neutralize (*i.e.*, attack and destroy) the jet airfields at Phuc-Yen and Cat-Bi (see map on page 8) prior to attacking Hanoi and Haiphong, since both airfields are within minutes of both cities. Neither Hanoi nor Washington claim that such airfield attacks have occurred.

In other words, the North Vietnamese reacted to the air raids on their petroleum storage areas (a) as if they knew that they were going to be hit; and (b) as if they didn't think they were worth defending anyway. And the American aircraft attacking them also acted, to say the least, curiously: (a) they attacked a perfectly fixed target in broad daylight, which could just as well

have been attacked under the cover of darkness when all but radar-directed flak would have been badly hampered; and (b) they attacked SAM sites in the vicinity of the target areas—destroying, according to Secretary McNamara's statement, a MIG–17 defending *them!*—but felt sufficiently confident about noninterference by enemy interceptors with this primary mission as to leave their bases unattacked. There must be logical answers for all the unanswered questions; for example, timing. De Gaulle was in Moscow, and both the Russians and the French—all personality clashes aside—do not think too highly of American policy in Vietnam as it was. The fact that de Gaulle's personal envoy, M. Jean Sainteny, was about to arrive in Hanoi with a private message from the French leader to Ho Chi Minh—known in Washington—made the timing even poorer. As it turned out, Sainteny's plane to Hanoi was grounded in neighboring Laos by the American raid on the Hanoi storage area, located near Hanoi's Gia-Lam airport. And a high-level Hanoi mission, perhaps Ho Chi Minh, was in Peking. If somebody wanted to make sure that the Sainteny mission to Hanoi would fail, this was the way.

Just two weeks earlier, both French and Rumanian diplomats had been informed separately by high-ranking Chinese officials that, while Peking did not particularly relish the idea of negotiations between Hanoi and Washington, it would do nothing to block them. It was confirmed to me in Europe at that time that this information had been passed on Washington as soon as it became available. That again puts the mission of a high-level Canadian diplomat, Chester Ronning, to Hanoi in a different light. Ronning's mission to Hanoi was rapidly touted as a "total failure," even though, according to unimpeachable reports, Ronning himself did not see it that way. In fact, Hanoi's relenting from last year's prenegotiating position (which included both the unconditional cessation of bombing and the departure of U.S. troops) to one in which there no longer was any mention of the departure of American troops, could have been considered a significant step toward a new middle ground. But these were not the only interesting straws flying in the wind.

There was the extremely strong statement by UN Secretary General U Thant and an interesting proposal put forward in March, 1966 by the leading younger theoretician of the French Communist Party, Jean-Maurice Hermann, in the party's highest-level magazine *Démocratie Nouvelle:* ". . . What would happen if a certain number of [important] persons or powers which desire peace in Vietnam—and there are many of them—met and attempted, on the basis of the texts of all sides [*des uns et des autres*], to elaborate the project of a compromise which would then be submitted to both the Americans and the Liberation Front, saying: 'After all, you said you were ready to accept this. And you [the other partner] said it also. However, it is difficult to get the negotiations going because you do not wish to. Would you, separately, accept this as the basis of a settlement?' . . . Face to face with honest and acceptable proposals, a refusal would completely unmask those who are against peace."

It would be hard to say whether this proposal represents a French Communist position or a Russian "feeler," or simply the kind of flexible thinking now prevalent in France; but before anyone cries "impossible," it should be remembered how Ralph Bunche won his Nobel Peace Prize running up and down the corridors of a hotel in Rhodes where Arabic and Israeli delegations were hammering out a cease-fire, with the Arabs refusing to sit down at the same table with their enemies.

On the roller-coaster that is Vietnam, we have gone from a period in early 1965 where negotiations were deemed impossible because we were losing the war to one where "premature" negotiations might in the eyes of the "Hawks" conceivably *spoil* the chances of a political rebirth in Saigon or even of military victory in the field. During the Korean war, 34,211 enemy vehicles were destroyed (as against 1,500 thus far in North Vietnam) in a more massive interdiction offensive than the one now in force in Vietnam. But as Vice Admiral J. J. Clark, commander of the Seventh Fleet, later stated: "It did *not* interdict. The Communists got their supplies through; and for the kind of war they were fighting, they not only kept their battle line supplied, but they had surplus to spare so that by the end of the war they could even launch an offensive."

Yet, as in Korea, the Vietnam war is now likely to ride the upswing of the blood-drenched roller-coaster into the annihilation of industries, flood control and irrigation dams, and cities and villages—for, after all, when all of North Vietnam will supply the Viet Cong and the infiltrated divisions with the help of massive coolie labor, *people* must become a strategic target. And they will. Never fear they will.

BERNARD B. FALL.

FIFTH ANNIVERSARY OF THE WORLD PRESS INSTITUTE

Mr. McCARTHY. Mr. President, the World Press Institute has observed its fifth anniversary, and I believe its work of providing successive groups of foreign journalists with an opportunity to spend a year of study and travel in the United States deserves special attention and commendation.

The World Press Institute has its headquarters at Macalester College, St. Paul, Minn., and Dr. Harvey M. Rice, president of Macalester, is a member of the board of directors of the institute. The institute has the financial support of several corporations and foundations, including American Motors Corp., the Coca-Cola Export Corp., General Foods Fund, General Mills, Hammond Organ Corp., Hilton Hotels Corp., the Johnson Foundation, National Cash Register Corp., Pan American World Airways, the Procter & Gamble Fund, the Reader's Digest Foundation, Signode Corp., Standard Oil Co., of New Jersey, and Whitney Communications Corp.

Each year since 1961, 15 professional journalists, betwen 21 and 35 years of age, from different countries have participated in the year-long program. Initial screening of the applicants is handled by selection panels of editors and publishers in each country. The 1965–66 program included young journalists from Argentina, Brazil, Chile, Denmark, Germany, Ghana, Japan, Lebanon, Mexico, The Netherlands, Norway, Pakistan, Philippines, United Arab Republic, and the United Kingdom.

The World Press Institute fellows study for one academic semester at Macalester College in a special course in American studies. They are housed in student dormitories on the campus and live as a part of the regular student body of the college and participate in the social and cultural life of the school as well as of the St. Paul-Minneapolis community.

Following their studies, the fellows travel around the United States for several weeks and then during February, March, and April they work as interns on an American newspaper, magazine, or television station. The program concludes with further travel, workshops, conferences and investigation and research on special phases of American life. The fellows, of course, are free to travel and observe and free to write without restriction.

I have had an opportunity to meet with the fellows and to discuss American Government and issues with them, and have enjoyed the exchange of ideas. I believe this special program undertaken by a Minnesota college and various groups in the Nation represents one of the many commendable efforts made to advance understanding among citizens of different nations, a process in which they learn about our way of life and we of theirs. It is particularly important when it involves journalists who have the special responsibility of reporting and interpreting events and for helping citizens to form a reasoned judgment on issues and policies which cross national boundaries.

THE TRAGEDY AT THE UNIVERSITY OF TEXAS

Mr. TOWER. Mr. President, I wish to take this opportunity to call to the attention of the Senate, to recognize, and to extend thanks to the many persons in Austin who performed in an exemplary manner during and after the recent tragedy in which 13 citizens were killed and 31 others wounded at the hands of a sniper on the University of Texas campus.

All of us deeply appreciate the heroic deeds and accomplishments of students, university officials, newsmen, ambulance drivers, medical personnel, police, safety officials, and individual Austin residents.

I especially wish to convey the heartfelt gratitude that all Texans and all other Americans feel for the bravery of the Austin policemen, among them Ramero Martinez, who though off duty, joined other members of his force in ending the terror. Martinez was joined in the assault by Austin officers Houston McCoy and Jerry Day. I laud also the bravery of Allen Crum, a bookstore employee and retired Air Force noncommissioned officer, who aided the Austin policemen in their final encounter with the sniper.

Many Austin residents and students are to be especially commended for their acts of courage in aiding the wounded and in pulling them to safety while under fire themselves. These included student body president, Cliff Drummond, newsman John Thawley, Vietnam veteran and student Brehan Ellison, student James McKinney, construction worker Bill Davis, and dozens of others.

I know all of us in the Senate extend our sympathy to those who mourn personal losses in this tragedy and offer our prayers that such an event may never again occur.

MORE WHEAT AND FOOD RESERVES NEEDED

Mr. McGOVERN. Mr. President, we have been worried about grain surpluses for years, but now it is the specter of grain shortages that looms on the horizon. Five years ago we had a surplus of 1.4 billion bushels of wheat. Today that has dwindled to 536 million bushels—only enough to meet our normal needs for 3 or 4 months. Yet, India is calling for unprecedented quantities of American wheat. The Soviets and the Chinese are buying large quantities of wheat for cash from our allies, principally Canada. These countries could one day soon be in the market for American wheat if we have it to sell.

What are we to say to the hungry abroad if we cannot assist them in a time of cruel famine? How are we to rationalize decisions that could leave us with no wheat for hard cash markets while we pay farmers not to produce? I am deeply concerned lest the United States soon be placed in the position of having exhausted our wheat stocks while paying farmers to leave their land idle in the face of widespread human starvation. What a tragic image of our country that would present to the world. We are devoting the lives of our soldiers and $2 billion a month to a questionable effort in Vietnam designed to save America's face in Asia.

But the face of America cannot be saved by armaments if we sacrifice an even greater instrument of influence and power in the world—the power of food—the greatest source of material strength in the American arsenal. Our policies in southeast Asia—regardless of what one personally might think of them—have subjected us to doubt, suspicion, fear and resentment all around the globe. But our capacity to produce food is admired the world around.

That is why I am disturbed by our fast diminishing food reserves. That is why I am shocked by information that has come to my attention that the administration has sent the word to our embassies around the world that we do not have enough wheat to maintain our food-for-peace program at its present level.

U.S. Embassies have been notified that we will have only 11.2 million tons of wheat for food for peace in the present marketing year—25 percent less than we provided in the 1965–66 marketing year. There can be some substitution of corn and grain sorghum, but with minor exceptions, these substitutions are unsatisfactory. Furthermore, they do not contribute to long-range market development for American wheat, which is an important part of the function of our food-for-peace program.

Our embassies will also soon learn that we will have no significant amount of high-protein, nonfat milk except for the voluntary agencies—and they face drastic cuts. Our Government stocks of this urgently needed food were 24½ million pounds on May 31, a tiny fraction of our nearly 2½-billion-pound annual production.

On May 31 we did not have a single pound of cheese and less than one-half million pounds of butter in Government stocks which could be diverted to food for peace or any other use.

Our feed-grain stocks, while not critical, were down from 2 billion bushels to 1.5 billion. They, of course, are little used in food for peace, since their principal use is for livestock feed.

Except for cotton and tobacco, our surpluses are all but gone. And so we are forced to cut back on food for peace.

Why do we hobble and tie our strongest single weapon in today's world—nourishing, abundant food?

The House has passed a greatly expanded authorization of our food-for-peace program—a program which I was privileged to direct for the late President Kennedy—a program that was dear to his heart—a program for which Vice President HUMPHREY valiantly worked during all his brilliant service in the U.S. Senate. It is perhaps the finest and most important oversea program ever provided by the American people. Yet, it is now being cut back by Executive order. Even if the Senate acts on the House-passed expanded authorization—and I hope we will act on a bill approximately like the House version—what good will we have accomplished if there is no food to send abroad and only increasing Executive restrictions on the present program? Food for peace, or food for freedom, will contribute little to either peace or freedom if the American granary is empty and the restrictions are increased.

So, Mr. President, I call on our Secretary of Agriculture to announce a substantial increase in wheat-acreage allotments for next year beyond the 15-percent increase he has already announced. We need more wheat and more dairy products and more edible oils if food for peace is to move abroad in step with the growing demands of this hungry planet. I call on the Secretary not only to authorize more wheat acreage, but also to safeguard the farmer's return for his added production.

Several knowledgeable newspaper columnists have written articles in the last 2 weeks about the administration's dilemma in regard to wheat acreage allotments. Mr. Eric Wentworth authored such a piece in the Washington Post last week, and Mr. Nick Kotz has written on the same subject in the Minneapolis Tribune of July 26.

Both articles indicate that the President and the Secretary of Agriculture are confronted with a difficult decision on wheat acreage. If they do not increase wheat acreage allotments, they may later be accused of withholding production which might have prevented disastrous famine in India or elsewhere in the world. If they do increase wheat acreage allotments, they may later be accused of bringing on price-depressing surpluses to the economic injury of American farmers, according to the newspapermen.

In reality, however, the President and the Secretary are not, as they have been described, "between a rock and a hard place." There is a third alternative which would assure abundant wheat stocks and a fair return to the farmers of the United States.

Early this year the administration proposed a commodity reserve bill to authorize the maintenance of wheat reserves against the very sort of contingency which the newspaper writers are describing—poor world crops and the danger of famine. Producers were fearful of this proposal lest the so-called emergency reserve be used to depress wheat markets. The resulting opposition to the reserve bill has meant that it is not now scheduled for consideration in either the House or the Senate. I intend, however, to push hard for the passage of such legislation early next year.

It was my belief when the bill was introduced that the concept of the bill was excellent. It was also my belief that farmers should be given assurance that the maintenance of such a reserve would not be permitted to depress market prices and result in producers receiving inequitable returns for their whole crop.

On April 1, 1966, I introduced an amendment to the reserve bill, S. 2932, which I believe contains a formula for a solution of the supposed dilemma. The amendment provides that when our wheat stocks are low and the Secretary of Agriculture finds that it is desirable to build them up he should offer farmers a price support loan at 115 percent of the normal loan rate. This would fill up the reserve with wheat in excess of anticipated, normal requirements. The amendment also provides that sales from Commodity Credit Corporation stocks should be at not less than 115 percent of the normal loan rate, plus carrying charges.

The loan rate or basic price support level for wheat is now $1.25 per bushel. The market is substantially higher than that. The effect of my amendment would have been to have the Government say to farmers: "We will guarantee you $1.44 per bushel to produce wheat to go into a reserve against emergencies, and we shall not release any wheat from Government stocks into the market at less than that price."

If the Secretary of Agriculture, for example, determined that there was a need to produce 200 million bushels of wheat in excess of anticipated domestic and export requirements as insurance against famine, he would set an acreage allotment to obtain that production. Farmers would be given domestic-use wheat certificates and loans on the approximate 500 million bushels of the crop destined for domestic consumption to bring their return up to parity on that portion of their crop—a return of $2.50 per bushel. They would be given loans on an additional 200 million bushels destined for the reserve at 115 percent of the normal loan rate, a return of $1.44 per bushel, and they would receive loans on the balance of their production, just as they do today, at the $1.25 rate.

The $1.44 market-price level at which my amendment attempts to protect the producers for reserve wheat is little enough reward to farmers for providing a necessary reserve. I think it ought to be considerably more. In all candor, I chose 115 percent of price support as the

level of my amendment because I believed it was all that Congress and the administration could be persuaded to allow.

It is unthinkable that the United States of America, with at least 60 million acres of idle farmland, should even consider running the risk of a famine that might cost tens and hundreds of thousands of human lives. We have a responsibility to use the resources with which God endowed this Nation for the welfare of mankind. We can do it under arrangements which will add to the prosperity of our farmers while strengthening our entire economy. I would like to urge our food and agricultural policymakers today to give consideration to the suggestion contained in my amendment No. 509 offered to Senate bill 2932.

Beyond urging our officials to consider arrangements for replenishment of our reserves without injury to producers, I would like to suggest to producers that they consider the production and retention of some reserve wheat stocks in their own hands.

Under existing wheat legislation, wheat producers may overplant their farm allotments by as much as 50 percent and yet qualify for domestic marketing certificates if they store the excess wheat in bonded storage.

In view of the larger wheat allotments already announced for 1967, few producers will have additional land on which to grow wheat in excess of the announced allotments. For those who do, however, this provision in the legislation permits them to overplant their allotment by as much as 50 percent without incurring any penalty—except that they must store the extra wheat.

Wheat yields are highly variable in most areas. With surplus stocks exhausted and market prices substantially above the Government loan level, it will be good business for many producers to overplant their allotments for the 1967 crop if they have the land available.

The excess wheat grown on this land may be taken out of storage in a future year when adverse weather results in a partial crop failure. Or, if the weather continues favorable for a series of years and the market price of wheat declines, the excess wheat can be released without penalty by underplanting the current allotment that year.

From a national standpoint it is desirable that individual producers hold a small secondary reserve of wheat which can be released in case of partial crop failures. From the standpoint of the individual producer—with wheat prices at current and prospective levels—a little excess wheat, stored under bond available to be marketed if the current crop fails, is an excellent investment.

This flexibility in the wheat program was provided as a protection especially for the producers in the high weather-risk areas. Many producers have profited by utilizing these provisions in the past. To the extent there is extra land available and weather permits, the economic incentives should be strong for the utilization of these provisions this coming year.

One can indeed be happy that the current wheat program provides this degree of flexibility. It is to the advantage of both U.S. wheat producers and consumers throughout the world that it be utilized in producing the 1967 crop.

Mr. President, I ask unanimous consent to include in the RECORD an article from the Minneapolis Tribune of July 26, by Mr. Nick Kotz, which appeared under the heading "Freeman, L.B.J. Ponder Wheat Acreage Boost."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FREEMAN, L.B.J. PONDER WHEAT ACREAGE BOOST

(By Nick Kotz, Minneapolis Tribune staff correspondent)

WASHINGTON, D.C.—Agriculture Secretary Orville Freeman has endured a grim nightmare in recent weeks. In his recurring dream, he is held responsible for world starvation. He had failed to authorize enough production of American wheat.

In the next few weeks, Freeman and President Johnson must make the crucial decision whether to increase wheat acreage under the farm program. This is wheat to be planted this fall and harvested next summer.

Why is this decision such a difficult and important one?

On the one hand, insufficient production of U.S. wheat could leave countries like India in perilous condition if their own crops fail as India's did last year. The world could run out of wheat early in 1968.

However, if Freeman authorizes too much wheat acreage, the price could become depressed for the American farmers.

The actual increased supplies could cause price reductions. Worse yet, the mere announcement of an acreage increase could cause an immediate price drop in the highly speculative U.S. commodity market.

A drop in wheat prices today would hurt the American farmer financially at a time when he has prospects for his best earnings in years.

And a price drop could be most harmful in November elections for Democratic, farm-state congressmen. Farmers already are riled because they are accused by some of causing inflation. A drop in wheat prices surely would result in widespread farmer discontent.

There is a further political danger for the Johnson administration. An increase in bread prices is imminent. If wheat acreage is increased following this bread price hike, some Republicans surely will charge that acreage was increased to knock down wheat and bread prices.

Such a charge would not be true. Wheat from the soon-to-be-planted 1967 crop has nothing to do with the cost of bread being produced now. But the charge still could be politically effective, because of its apparent logic.

Freeman's dilemma today is exactly the reverse of what it was several years ago. At that time, the farmer and taxpayer were, in his words, "suffocating" under the burden of a 1.4 billion bushel wheat surplus.

Storage costs were scandalously high, wheat prices were low. The government struggled to unload surpluses and to raise wheat prices.

This was a difficult job because sales of surpluses tended to push down prices.

The situation is far different today. The surpluses have disappeared—sold in growing cash markets and given to the world's hungry poor through the Food for Peace Program. U.S. exports this year were an astronomic 865 million bushels.

What are the simple mathematics of the present wheat planting dilemma? U.S. wheat reserves are now down to 550 million bushels. Wheat needed to fill expected U.S. commitments next year amounts to 1.4 billion bushels. But the U.S. crop now being harvested is expected to total only 1.2 billion bushels.

On the basis of these estimates, U.S. wheat reserves next June will be only 300 million bushels—a mighty slim reserve to ward off unexpected calamities here or abroad.

To avert such a possibility, Freeman already has increased the forthcoming wheat acreage 15 per cent—from 51 to 59 million acres.

He is considering authorizing another four to eight million acres for farmers participating in the government program.

This decision is so crucial that it was discussed at length last week by the National Security Council.

Freeman, the President, and U.S. government employees throughout the world are counting the U.S. harvest, measuring the Indian monsoons and gathering reports on crops in friendly nations such as Canada.

With difficulty, they also are peering behind the bamboo and iron curtains to estimate harvests in China, Russia, and eastern Europe.

In the final analysis, the President must make a judgment decision based partly on best estimates of future food production and food requirements. The possible consequences of his decision range from short-range politics to long-range hunger.

Mr. McGOVERN. Mr. President, I ask unanimous consent also to include in the RECORD at this point the text of amendment No. 509 offered to S. 2932, the proposed Commodity Reserve Act of 1966.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT TO S. 2932

At the end of the bill add the following new sections:

"SEC. 5. (a) Section 107(1)(a) of the Agricultural Act of 1949, as effective with respect to the 1966 through 1969 crops, and section 107(3) of the Agricultural Act of 1949, as effective for the 1970 and subsequent crops, are each amended by inserting before the punctuation mark at the end thereof the following: ': *Provided*, That price support for wheat within the farm reserve allocation shall be at a level equal to 115 per centum of the level of price support for other wheat not accompanied by marketing certificates. For any marketing year the farm reserve allocation shall be the number of bushels which bears the same relation to the farm wheat marketing allocation as the national reserve allocation bears to the national wheat marketing allocation. The national reserve allocation for any marketing year shall be the projected yield of that part of the national acreage allotment which results from action taken by the Secretary under the first proviso of section 332(b) of the Agricultural Adjustment Act of 1938, as amended, or section 4 of the Commodity Reserve Act of 1966. The national reserve allocation for any marketing year shall be proclaimed at the same time that the national acreage allotment is proclaimed for the crop of wheat to be marketed in such marketing year. Notwithstanding the foregoing, the farm reserve allocation shall not exceed an amount which, when added to the farm wheat marketing allocation, would equal (i) the actual acreage of wheat planted on the farm for harvest in the calendar year in which the marketing year begins multiplied by the normal yield of wheat for the farm, plus (ii) the amount of wheat stored under section 379c(b) or to avoid or postpone a marketing quota penalty, which is released from storage during the marketing year on account of underplanting or underproduction. The farm reserve allocation

shall be shared among the producers on the farm in the same proportion as wheat marketing certificates'.

"(b) Section 407 of the Agricultural Act of 1949, as amended, is amended by changing the period at the end of the third sentence to a colon and adding the following: 'Provided, That, notwithstanding any other provision of law, the Commodity Credit Corporation shall not make any sales of wheat at less than 115 per centum of the current support price for wheat, plus reasonable carrying charges.'

"SEC. 6. This Act may be cited as the Commodity Reserve Act of 1966."

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. McCARTHY. I wish to commend the Senator from South Dakota for his continuing study and interest in the matter of wheat prices and agricultural problems generally.

Mr. McGOVERN. I thank the Senator.

Mr. CARLSON and Mr. METCALF addressed the Chair.

Mr. McGOVERN. Mr. President, I yield first to the Senator from Kansas [Mr. CARLSON] and then I shall yield to the Senator from Montana [Mr. METCALF].

Mr. CARLSON. Mr. President, I wish to commend the distinguished Senator from South Dakota [Mr. McGOVERN] for calling the attention of the Senate and the Nation to the rapidly depleting surplus of foods that have been so helpful in keeping our Nation in the world market, as well as taking care of millions of hungry and needy people.

I am concerned, with him, that we are getting ourselves in a position in this Nation—and I speak particularly of wheat—whereby we will be practically taken out of the world market if we do not begin to expand our production.

I think it is essential that the Secretary increase the use of these 15-percent allotment acreages by additional acreage if we are to have a supply of wheat that will not result in consumers complaining about the price of wheat, and second, so that we will have sufficient wheat to keep our country in the world market.

After all, we are a great wheat-producing nation and those of us familiar with it realize that Canada is increasing its acreage for the production of wheat. Australia also is doing the same thing, I have been advised, by as much as 60 percent this coming year. Argentina, too.

I sincerely hope that the Senator's suggestion will be read not only by the Department of Agriculture and its Secretary but that they will also act on it favorably.

I would urge strongly that we keep our Nation in a position to stay in the world wheat market. The only way we can is to increase our wheat acreage.

As the Senator knows, we concluded the fiscal year 1966 with 550 million bushels of wheat. Based on the crop prospects for this year, we will probably end up on June 30, 1967, with a crop as low as 300 million bushels of wheat. That is not in the interests of the economy of this Nation; neither is it in the interest of agriculture nor in the interests of the world wheat market. I therefore sincerely hope that the Senator's suggestion will be adopted by the Department.

Mr. McGOVERN. I appreciate the Senator's comments, because he is a recognized authority all over the Nation on the subject of wheat and its use, both in terms of the needs of our own people and those who depend upon us in many parts of the world.

Mr. METCALF. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I am happy to yield to the Senator from Montana.

Mr. METCALF. I thank the Senator for yielding to me. The Senator from South Dakota, of course, is an expert on food for peace. Because of his experience in the administrative agencies of the executive department, he knows more about it, probably, than any other Senator.

He has made a significant statement today, calling upon the administration to increase the acreage for wheat, feed grains, and dairy products.

I voted against some of the foreign aid programs. I voted with the Senator from South Dakota, for example, in cutting military expenditures. I also voted to cut other foreign aid and, yet, the most important aid of which I can conceive, the food-for-peace program, is to provide food for other countries. As the Senator from South Dakota has said, it is unthinkable that here, where we have this tremendous productive capacity for food, we would allow famine to exist in other parts of the world.

Thus, the purpose for which we provided the diverted acreage, and the acreage conservation reserves, has now to be utilized. We said that we would set aside these acres until such time as it was necessary to feed the people of America or to feed the people of the world. Now the time has arrived when we should plant these acres to take care of the necessary famine situations abroad, and to take care of our own reserves which we will need in America.

As the Senator from Kansas has said, we have dropped alarmingly in our reserves in America, from 550 million bushels to probably 400 million bushels or 300 million bushels next year. The time has arrived for the administration not only to allow the additional 15 percent in acreage which they called for before, but, as the Senator from South Dakota has said, to allow for additional acreage for wheat and wheat production. At the same time, however, we should be concerned, with the Secretary of Agriculture and the President, to consider the fact that we must not allow the price of wheat to drop.

While we need to increase wheat production, we must not allow the increase to result in a fall in the price of wheat.

I think that we have a fair market price. The price of wheat is increasing. The farmers of America, if they were allowed to produce more on their conservation reserve acreage and on their diverted acres and were allowed a higher quota, could begin to get the kind of price which they deserve and merit.

I heartily concur with the Senator from South Dakota and the Senator from Kansas that the administration should come up with an increased acreage production program, but at the same time, it should be careful to preserve the present market price.

Mr. McGOVERN. I thank the Senator. His remarks are well taken. He has expressed his concern to me on many occasions about our dwindling wheat reserves. He has talked to me at various times, as a member of the Committee on Agriculture and Forestry, about the need for those of us on the committee to take a careful look at this matter.

I especially appreciate his speaking out as he has today. The Senator, as has been true with the Senator from Kansas and the Senator from North Dakota [Mr. BURDICK] and other Senators, have voted, in previous years, for acreage restrictions which were designed to cut back on production at a time when we had surpluses beyond any need.

Now, however, we no longer have that situation. We have stocks on hand which are only a little above what we need for our own reserve requirements. At the same time there is a massive famine in India, the Russians and the Chinese are in the world markets buying up all the wheat they can secure, the situation is entirely different. Now we have to begin to consider production patterns at home which are geared not to the situation in 1960, 1961, or 1964, but to the growing demands for wheat in the world today. Every indication is that we need a substantially larger wheat acreage for next year than the acreage now contemplated. So I hope that the Senator's request will be heeded, and that we will get an announcement shortly of increased acreage which will go beyond what has yet been indicated.

Mr. METCALF. The whole point of a wise farm program, which has been adopted over the years, was to set aside these acreages so that when the time arrived that we had an emergency situation, such as arises at the present time, we would be able to take care of the diverted acres and the acreage conservation reserves and put them back into production.

The time has certainly arrived that the President and the Secretary of Agriculture should order that some of these acres be put back into production for wheat, for America and for the world.

Mr. McGOVERN. I wholeheartedly agree with the Senator from Montana.

Mr. BURDICK. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I am happy to yield to the Senator from North Dakota.

Mr. BURDICK. Mr. President, I, too, should like to commend the Senator from South Dakota for making this very important speech today. I associate myself generally with the comments made by the Senator from Kansas [Mr. CARLSON] and the Senator from Montana [Mr. METCALF].

Let me say, first, that the Senator from Montana raises a very important point, that the shipment of foodstuffs to the needy people of the world is, perhaps, our best foreign policy.

I am sure that the Senator will agree with me that wheat and foodstuffs which we ship to India and Pakistan have a far

more beneficial effect and are far more important than guns and bullets; would not the Senator agree?

Mr. McGOVERN. I fully agree with the Senator. Like the Senator from North Dakota, I have had the opportunity in recent years to look into all the various kinds of American overseas aid. Some of that aid, I think, has done more harm than good.

Some of our expensive military equipment has been used to finance wars between two or more of our friends abroad. The classic example of that was the Pakistan-India conflict of last year. How much better it would have been if those resources had gone into the production of more food to meet the urgent problems of countries like India and Pakistan.

I do not think there is any program in which the United States participates overseas that has returned as large dividends as has the food-for-peace program.

Mr. BURDICK. I know the excellent job the Senator did as Food for Peace administrator. It is that kind of program that we should support.

Mr. McGOVERN. I thank the Senator.

Mr. BURDICK. This increase in wheat acreage is not only needed for humanitarian purposes, but it is needed to bolster our agriculture at home. I hope the tools the Senator has provided in his legislation, or in mine, where I asked for a 25-cent certificate for wheat shipped overseas, will be considered by the administration, because I do not think the farmers should bear the full brunt of that policy.

Mr. McGOVERN. I agree. I think we are going to have to adopt the proposal the Senator from North Dakota has made or some other similar formula. I do not think farmers expect to be rewarded at the same price for the products they ship overseas under the food-for-peace program that they receive in the U.S. market, but neither do they expect to produce wheat on a large scale to be moved abroad at $1.25 a bushel. So either the proposal of the Senator from North Dakota for an export certificate of 25 cents a bushel or some other proposal designed to protect the wheat producer will have to be given serious consideration if we are to treat the farmer fairly.

Mr. BURDICK. Does not the Senator think we ought to aim for a minimum of $1.90 blend price for all wheat?

Mr. McGOVERN. As a blend price, I think that would be a fair level. Since food is so essential not only to our people but to people abroad, we should provide our farmers with an adequate price for producing it.

As the Senator has indicated, this is not a humanitarian program by any means. It will be of great benefit to our own economy if we can turn idle acres into productive acres. It will mean not only greater farm income, but also greater sales of farm implements and all the things that farmers utilize in the production of additional wheat.

Beyond that, we have historical proof that when we have sent our food products abroad under a food program, we have always been able to produce dollar markets. One of the outstanding examples of that is Japan, where food-for-peace shipments on a grant or concessional basis for a number of years resulted in Japanese children learning to drink or eat American milk, dairy products, and bread, and today the Japanese are the biggest cash customer of American farm products in the world.

There is no reason why the same kind of market development cannot take place in other areas of the world such as India, Pakistan, and Brazil.

Mr. BURDICK. And at the same time we would be stimulating our own economy.

Mr. McGOVERN. Yes.

Mr. BURDICK. I have talked with the Secretary several times and have urged on him to increase the wheat acreage. I know that the Senator from South Dakota and others from the Midwest have done likewise. I hope he will lend a kindly ear to our requests to increase wheat production. The world needs it, and we at home need it.

Mr. McGOVERN. I thank the Senator for his leadership in that regard.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield to the Senator from Minnesota.

Mr. MONDALE. Once again the Senate is witnessing an example of the creative and vigorous leadership of the Senator from South Dakota in the field of food for peace—the program by which this Nation meets its moral responsibility to use some of its agricultural abundance to help meet the frightful and heartrending problems of world hunger.

I think our Nation does not fully perceive the radically different commodity situation we face today as we consider the food-for-freedom legislation. For our food surpluses are gone. The Senator from South Dakota has cited statistics showing what we have on hand in wheat, feed grains, dairy products, and the rest. And the reserve stocks of other nations are down as well.

I saw some figures the other day, made available by the Department of Agriculture, showing that in 1961 world reserves were sufficient to meet world needs for almost 4 months, but that by June 1967 it is estimated that these reserves will be down to 36 days' supply.

So any serious world conflagration or drought could easily create disastrous shortages.

Surely, these threatening shortages require us to face our responsibilities with clear eyes.

In past years, the food-for-peace program was easy to administer because it did not involve questions of acreage expansion. It did not involve the impact of Government purchases in the open market for supplies needed to meet our responsibilities overseas. It simply meant emptying surpluses out of the Federal bins or other bins under contract with the Federal Government. It was not exactly surplus dumping; yet it was aimed at removing surpluses.

Mr. McGOVERN. It was frequently referred to as "the surplus disposal program." I was always bothered by that name, because I did not consider a program to feed the hungry people of the world as a disposal program, as though it were some kind of a garbage can operation.

But, as the Senator from Minnesota has said, there are two significant changes in our food-for-peace program. No. 1, we are going to have to increase acreage for cereal grain production and deliberately produce more cereals to use abroad.

The other new aspect is that we must give our Secretary of Agriculture authority to go into the open market and deliberately purchase products, when they are not in Government stocks, to meet the needs of hungry people. I think we can do more to advance the cause of peace and freedom by an imaginative food-for-peace program than by any other effort we can make abroad. I think the Senator shares that view.

Mr. MONDALE. I do not think there is any doubt about it. But, as the Senator's speech here today reflects, the disappearance of surpluses has ramifications of major proportions, and it is Congress, and the committee on which we both serve—the Committee on Agriculture and Forestry—which must deal with it.

Among the basic problems we face as a nation with no surpluses, is: Do we really mean business in meeting our responsibility to help feed the world's hungry? That is the first question.

If we do, then are we willing to make the commitment necessary to increase production, and at the same time—and I think this is a fundamental part of the program—see to it that the American farmer receives a decent return for his efforts?

Mr. McGOVERN. I agree wholeheartedly.

Mr. MONDALE. I do not think the family farmer, who is now receiving about 79 percent of parity, who has contributed so enormously to the prosperity of this Nation, who has made us a unique nation which cannot only feed itself, but also produce enough in addition to prevent the actual starvation of millions of people in the world—I do not think that the family farmer should be asked to produce more unless we are prepared to pay him a fair price for his output. And I fear that unless we couple our plea for expanded acreage with provision for a decent return, we may not obtain the increased production that we need.

Mr. McGOVERN. I agree wholeheartedly with what the Senator has said. I think simply authorizing additional acreage is not enough. It will require incentives to obtain the needed production; and I hope that some formula can be worked out, as the Senator has suggested, that will provide the protection and the security that our producers need to provide this urgently needed production.

Mr. President, I commend the Senator from Minnesota not only for the contribution he has made here today, but for the successful effort on his part to have incorporated, in the recently passed Foreign Assistance Act, a provision designed to encourage greater attention to

agriculture in our aid program, and to encourage greater efforts on the part of underdeveloped countries to concentrate on food production. We are talking here about American food aid abroad, but we all know that the long-range answer to the problem of chronic food deficits in the world is for the underdeveloped countries of Asia, Africa, and Latin America to do more on their own in producing their food needs.

So I commend the Senator from Minnesota for his successful effort in persuading the Senate to agree to his amendment, which will gear our foreign assistance program, more than it has been in the past, in the direction of increased food production all over the world.

Mr. MONDALE. I might add here another essential change that is required in our food aid program. During the 12 years that our food-for-peace program has been in effect, the main emphasis has been first of all on providing food for the world's hungry, and, secondly, ridding ourselves of our surpluses. Not enough emphasis was placed upon the vital problem of improving agricultural yields in the nations which were asking for our help.

I do not think we have emphasized that enough. And I believe that, now that we have to pay hard dollars in the open market to procure, not surpluses, but increased production by the American farmer, we should see more clearly than before the necessity, at the same time, to do more in helping the underdeveloped countries get their own agricultural houses in order, so they can take those steps necessary to move closer to self-sufficiency.

Mr. McGOVERN. I thank the Senator for his contribution.

Mr. President, I yield the floor.

UNEMPLOYMENT INSURANCE AMENDMENTS OF 1966

The Senate resumed the consideration of the bill (H.R. 15119) to extend and improve the Federal-State unemployment compensation program.

Mr. LONG of Louisiana. Mr. President, the important issue at home in the United States during the next decade is, as President Johnson has so well termed it, the "war against poverty." It is a war that even the most peace-loving man cannot object to. It is a war in which no one is hurt, everyone is helped. It is a war into which every weapon of our vast arsenal of economic armaments must be thrown. It is a war that we can afford to wage, but we cannot afford to lose.

The war will be fought on many fronts. We have heard some of them—manpower development and training, regional planning, medicare, aid to education, economic development. But there are other places where it is just as important to fight the war against poverty although the spotlight of public attention may not be as bright. One such battlesite is the desert of unemployment where persons who can work and who are workers are without work, due almost entirely to factors beyond their control.

To cope with the sad plight of the worker who is without a job, the tragic depression of the 1930's saw the creation of a system of unemployment compensation founded on cooperation between the States and the Federal Government. That program helped millions of men and women in the United States to survive the hardship of involuntary unemployment. The idea of paying a part of a worker's wage to him when he is put out of work to tide him over until he is able to get another such job worked marvelously well right at the start. But this Federal-State system geared to a depression economy, and left largely in the hands of the States, has not kept pace with the changing times. As a result, unemployment benefits have lagged behind rising prices and rising wages. Inflation has sharply cut the purchasing power of the dollar yet these unemployed workers find their benefits limited by State standards set years ago. And Congress has hardly dared to intrude on its original creation.

To correct this imbalance and to bring unemployment benefits back into line with wages, the President decided to make revision of the unemployment program an important part of his legislative recommendations to the 89th Congress. It was the subject of a message from the President dated May 18, 1965, urging Congress to modernize the system so that it will assure adequate payments of unemployment benefits for an appropriate period for most regular workers.

Mr. President, the bill before us is the response of the Senate Committee on Finance to the President's request. It is the most comprehensive revision of the Federal unemployment compensation statute since the inauguration of the program in 1935 as part of the Social Security Act.

The changes in the Federal-State unemployment compensation program which would be made by H.R. 15119 would, among other things, extend coverage to additional jobs, establish a permanent program of extended benefits to exhaustees during periods of high unemployment, furnish the States a procedure for obtaining judicial review of certain determinations of the Secretary of Labor and improve the financing of the program, and provide additional States' requirements as to benefit amount, duration, eligibility, and disqualification.

The amendments made by the Committee on Finance in the House-passed version of H.R. 15119 are substantial. I particularly want to mention four areas in which the committee made important changes in the House bill. Those areas are: First, the imposition of certain benefit requirements; second, the full Federal financing of extended benefits; third, the increase in the taxable wage base; and, fourth, the definition of small firm employers to be included in coverage under the unemployment insurance program.

The question will surely arise as to why did the committee make such drastic changes in the House proposal when most witnesses who testified before the committee supported the House bill, as is, intact, without amendment. The truth of the matter is, Mr. President, that these witnesses represented employer and business groups. These groups are for the House bill because they know it does little or nothing to upset the operation of current unemployment compensation programs. Its tax rise will be little felt by the employers and its impetus to increase benefits for the unemployed is next to nothing.

Labor does not support the House bill. Labor repudiates the House bill. That is right—the labor groups during 2 weeks of hearings on this bill were unanimous in urging the passage of no bill rather than passage of the House bill. Labor said that if the House bill were approved without change they would urge the President to veto it. Now, why would labor urge the President to veto a bill designed to benefit the workingman? The answer to this question is simple. It just does not do the job.

This unemployment compensation legislation was recommended by the President to improve the plight of the workingman when he loses his job. It is a bill which should benefit the workingman. But there was nothing in the House bill for that workingman to applaud. For example, the President had urged Congress to enact minimum standards governing the adequacy of unemployment compensation benefits paid in the States, but the House did not include standards in its bill. Without adequate benefits, the bill means little to the workingman.

The Committee on Finance was not willing to approve a bill for the workingman which would not benefit the workingman. While our bill may not meet in every particular the standards urged by the administration, it does go a long way in providing a mechanism to upgrade State unemployment compensation programs. Of most importance under the committee bill, minimum standards would be set governing the amount of benefits which would be paid each week to an unemployed worker, the period over which it would be paid, and the conditions of eligibility for these benefits. The setting of these standards is the single greatest departure from the House bill and the greatest single hope to the unemployed. Under the committee bill the benefit an eligible unemployed person would receive would be 50 percent of his average wage or 50 percent of the average wage paid in the State, whichever was the lesser. Thus, if the average wage in a State is $100 per week, workers paid less than this would receive 50 percent of their actual wage if they became unemployed, while workers earning more than $100 per week would be limited to an unemployment compensation benefit of only $50.

Mr. President, this benefit standard which would be fixed by the committee bill is not onerous. To the contrary, at least 18 States already have unemployment compensation programs which provide a level of benefits equal to, or greater than, those required under the committee bill. Another 18 States provide benefits of between 40 and 50 percent of the State average wage and to upgrade their benefits to comply with

the committee bill would impose no serious burden on these States. The remaining 14 States provide benefits of less than 40 percent.

To a considerable extent, low benefits come about because of a fear that higher benefits will increase State unemployment taxes and these higher taxes will discourage new businesses from coming into the State. Regrettably, under the unemployment compensation system we have in effect today, States are able to, and do, compete with one another to see which can do the least for their unemployed workers.

When the unemployment program was set up in 1935, a Federal tax was imposed on employers against which a credit of 90 percent was given providing that the States would set up their own unemployment compensation programs. This 90-percent credit was designed to eliminate fear of interstate tax competition. It worked in 1935, but over the years some States have ingeniously worked around the tax credit in order to outbid their sisters for business. The problem is that competition to attract commercial enterprise may be so intense among States that a decisive factor may be the size of the unemployment tax that a State levies. The cost-conscious State in order to land industry may determine the extent of its benefits, the duration of its benefits, the persons eligible to receive benefits, and the standards for disqualifying would-be benefit recipients so as to require a low tax from its business constituents. Or, the State may set a scale of taxes geared to the employer's unemployment experience or to other criteria which in effect will produce a low percentage of payrolls in the State subject to the tax.

The result is that while the State may attract business from other States on the basis of a low unemployment tax cost to the business, the workers in that State bear the burden of that incentive to business. Pity the poor person who despite the luring of new industry to the State is without a job. His unemployment benefits, if any, will be meager.

By requiring all States to have a benefit at least equal to 50 percent of a worker's wage up to 50 percent of the State average wage, the committee's bill counteracts interstate competition for low benefits and low taxes. It protects the States from each other.

Besides the benefit level, the committee bill would require that a State must pay benefits for at least 26 weeks to each individual who had 20 weeks of employment or its equivalent and that to be eligible for benefits under the unemployment compensation program, a State could require no worker to have more than 20 weeks of employment or its equivalent.

Actually, at present, in all but 2 States and Puerto Rico, some claimants may receive 26 weeks of unemployment benefits and 30 States qualify for benefits for all claimants who are employed for at least 2 weeks, with only 2 States not paying benefits to at least some claimants with 20 weeks of employment.

Under the bill, if the State did not adopt these standards, its employers would not receive the full Federal tax credit of 2.7 percent but would have their credit limited to the 4-year average cost of benefits in that State. For the country as a whole, the 4-year average cost currently is about 2 percent at a $3,000 wage base.

The next important amendment relates to extended benefits payable in periods of high unemployment or recession. The Committee on Finance accepted the House formula and its "trigger" mechanism virtually without change. However, we did modify the financing provisions to relieve the States from having to pay for any part of these extended benefits.

The House bill would have divided the cost of these benefits equally between the Federal Government and the States. That would be an admirable arrangement—if at the same time the States are not being called upon to increase their regular benefits. Since they are being required to upgrade their regular benefits—and this will increase their costs—it seemed appropriate to the committee that the Federal unemployment tax receipts collected from all over the country should be used to cover the expenses of this extended benefit program. This is precisely the approach taken by Congress when it enacted temporary extended benefits during the 1961 recession.

The third important change made by the Committee on Finance enlarges the wage base subject to the unemployment tax, but retains the tax rate of 3.3 percent as provided in the House bill. Under present law—and it has been that way since 1939—the Federal unemployment tax is levied on the first $3,000 of wages. The House increased the wage base to $3,900, effective in 1969, and raised it still further, to $4,200, beginning in 1972. The committee amendment to the House bill would make the $3,900 wage base effective a year earlier, in 1968, and would raise the base in 1972 to $4,800. This higher wage base is necessary to assure revenues sufficient to cover Federal costs—principally those of administering the State-Federal unemployment compensation program and of paying the entire costs of the extended benefits.

Raising the wage base against which the unemployment tax is levied to even a last-stage level of $4,800 hardly seems out of place. When the wage base of $3,000 was put into the law in 1939, that represented 98 percent of all wages in covered employment that was subject to the unemployment tax. With the rise in wages since 1939, only 52 percent of all wages in covered employment is taxable under the $3,000 wage base. The burden of the tax is, therefore, disproportionately carried by the low-wage industries. A raising of the taxable wage base even to $4,800 will not produce a tax on the 98 percent of wages in covered employment as in 1939, but it will certainly bring about a much more equitable situation than is prevalent today.

The fourth major amendment applied to the House bill by the committee was to continue the relief provided by present law to small firms of less than four employees. The law now extends unemployment insurance coverage to employers of four or more workers during each of 20 weeks in a calendar year. The House bill would have substituted a test of coverage extending the program to employers of one or more workers during each of 20 weeks in a calendar year or to employers with payrolls of $1,500 in a calendar quarter.

During the committee's hearings on the bill, testimony was given stating that the House provision extending coverage to employers of one or more in 20 weeks or of payrolls of $1,500 per calendar quarter would particularly harm small retail merchants. With a view toward helping these very small retailers in an era of consolidation and concentration in such enterprises, it was decided that the present provision of the law was preferable and protected the really small merchant from the additional administrative and recordkeeping as well as financial burden of paying an unemployment tax on his one, two, or three employees whose full-time attachment to the labor market might be questionable at best.

Of course, the States are left perfectly free to extend coverage under their own laws to employers of less than 4 and presently 25 States do cover such employers, extending coverage to 1.4 million workers of the 3 million employed in these small firms all over the country.

With the inclusion of these major amendments plus other amendments providing unemployment benefits to certain individuals engaged in multistate employment and assuring uniform duration for extended benefits triggered by a national "on" indicator, the Finance Committee believes that H.R. 15119 is an infinitely better bill, a bill that will actually mean something to the Nation's unemployed, a bill that will not exact from the States nor from the employers of the country anything more than their fair share of the moral responsibility to see that the affliction of unemployment is made as bearable and livable as possible. The committee feels that this bill as amended is one that the greatest Nation on earth can feel no pangs of conscience about and can point to with pardonable pride. It is a good bill that the committee urges to the favorable attention of the Senate.

Mr. President, I have had prepared a tabulation showing what the cost of the additional benefits under H.R. 15119 would be on a State-by-State basis and what the interest credited to each State in the unemployment trust fund was at the end of 1965.

The interest income available is more than adequate in most States. In fact, in 30 States the interest income available to the States would exceed the cost of the increased benefits. Therefore, it would not be necessary for the States to raise any additional revenue from tax sources in order to provide the additional benefits provided in the bill.

In States in which it would be necessary to raise additional revenue to meet the cost of the additional benefits, the burden would not be great, particularly if the taxable wage base of those States

were brought into conformity with the wage base for the Federal tax provided in the pending bill.

I believe that Senators who examine this tabulation will be able to see that the matter of complying with the minimum benefits which we believe to be desirable is not necessarily difficult for any State.

If we were to find that it were a serious problem, we would seek to work it out in such a fashion that any hardship would be reduced or eliminated.

Mr. President, I ask unanimous consent that the tabulation be printed at this point in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

Comparison of 1965 interest earned on reserves and estimated increases in benefit payments resulting from proposed benefit requirements [1]

[In thousands of dollars]

	Estimated 1965 increases in benefit payments due to benefit and duration requirements	Actual 1965 interest credited to unemployment trust fund	Excess of interest over increases in benefit payments	Unemployment trust fund, Dec. 31, 1965
Total	249,410	[2] 264,842	+15,432	8,357,356
Alabama	1,942	3,053	+1,111	91,146
Alaska	3,974	163	−3,811	16,168
Arizona	3,884	2,296	−1,588	65,308
Arkansas	601	1,038	+437	33,097
California	48,030	22,530	−25,500	659,689
Colorado	5,269	2,058	−3,211	62,794
Connecticut	3,866	6,691	+2,825	205,115
Delaware	404	765	+361	24,454
District of Columbia	0	2,243	+2,243	65,072
Florida	6,044	6,015	−29	182,184
Georgia	4,209	6,540	+2,331	197,894
Guam				
Hawaii	0	725	+725	23,188
Idaho	964	1,033	+69	32,447
Illinois	21,479	17,997	−3,482	545,090
Indiana	9,828	6,173	−3,655	186,016
Iowa	1,150	3,999	+2,849	118,120
Kansas	742	2,196	+1,454	65,333
Kentucky	1,395	4,077	+2,682	123,986
Louisiana	3,964	4,231	+267	128,402
Maine	2,405	1,132	−1,273	35,255
Maryland	0	5,728	+5,728	177,062
Massachusetts	3,158	7,253	+4,095	229,688
Michigan	4,718	13,725	+9,007	515,258
Minnesota	2,194	755	−1,439	27,781
Mississippi	612	1,963	+1,351	63,591
Missouri	6,533	8,066	+1,533	241,074
Montana	1,351	666	−685	20,087
Nebraska	1,205	1,452	+247	42,305
Nevada	3,161	1,023	−2,138	29,369
New Hampshire	[3]	976		30,830
New Jersey	14,900	10,368	−4,532	316,758
New Mexico	1,516	1,234	−282	35,882
New York	3,657	43,240	+39,581	1,305,870
North Carolina	5,429	8,066	+2,237	245,069
North Dakota	0	234	+634	7,716
Ohio	11,006	10,281	−725	366,882
Oklahoma	2,683	1,628	−1,055	49,676
Oregon	4,485	3,156	−1,329	98,481
Pennsylvania	4,753	8,057	+3,303	394,465
Puerto Rico	11,490	1,900	−9,590	55,189
Rhode Island	1,409	1,782	+373	55,737
South Carolina	2,266	3,233	+967	97,933
South Dakota	830	517	−313	15,284
Tennessee	3,202	3,404	+202	110,270
Texas	14,981	8,596	−6,385	255,817
Utah	1,238	1,301	+63	37,406
Vermont	0	248	+248	8,734
Virginia	3,536	5,034	+1,498	151,910
Virgin Islands				
Washington	12,522	7,270	−5,252	216,498
West Virginia	3,750	2,130	−1,620	63,818
Wisconsin	2,446	7,259	+4,813	219,777
Wyoming	227	318	+91	10,383

[1] As contained in bill reported on by Senate Finance Committee.
[2] Total includes New Hampshire.
[3] Not available.

Mr. MORTON. Mr. President, first let me say, while the distinguished chairman of the Committee on Finance is present, that it will be my purpose tomorrow to ask for consideration of the amendments individually and not en bloc. As we are all interested in expediting this matter, and as the Senator well knows, the key vote will come on sections 151 and 152, the so-called Federal standards. That will be the key vote. As far as I can ascertain from our side, we will expedite matters.

We know that many Senators on both sides have commitments over the weekend. We will be coming in at 10 o'clock in the morning, and we will try to get to the key vote as soon as possible. It will be determined one way or the other, and that is the crux of the matter which will be debated tomorrow.

Mr. President, in the consideration of this bill (H.R. 15119) the committee by a majority of one vote adopted an amendment to the bill, as reported, which would provide Federal standards relating to the eligibility, amount, and duration of benefits payable to unemployed workers of State programs. No justification exists for this radical departure in the basic concept of the Federal-State unemployment insurance program. On the contrary, a review of the 30-year history of this legislation conclusively demonstrates that without the heavy hand of Federal intervention, the individual States have adopted, modified, improved, and expanded their unemployment insurance programs to meet the peculiar conditions of each State so as to produce a better program than would have resulted if the States had been held to rigid Federal benefit standards.

The average weekly benefit payable to workers has increased significantly over the years. In 1939, the average weekly benefit was $10.66, and in 1964 it was $35.96—an increase of 237 percent. After allowance is made for cost-of-living increases, the average weekly benefit in 1964 would buy 50 percent more than in 1939.

State maximum benefit limitations have also increased appreciably over the years. All but two States, following the draft bills recommended by the Social Security Administration, originally established their maximums at $15 per week. Maximum benefit limitations have increased on the average of 200 percent. In the larger industrial States where the greatest number of covered workers reside, the increases have been even greater with maximum weekly benefits currently at $65 in California, $72 in Michigan, $55 in New York, $53 in Ohio, and $50 in New Jersey. These benefits are free of Federal and State income tax, social security and hospital insurance taxes, and the unemployed worker does not incur transportation and uniform expenses, union dues, and similar costs.

In 1939, the waiting period before benefits were payable was from 2 to 4 weeks. Today, three States have no waiting period, and the rest have a 1-week waiting period for which benefits are often payable when an individual has been unemployed a specified length of time. For an individual who is unemployed for 12 weeks, a reduction in the waiting period from 4 weeks to 1 week means a 25-percent increase in benefits payable, even with no increase in the weekly benefit amount.

In 1939, the average maximum duration over which benefits were payable was approximately 15 weeks. At present, all States except three have a maximum benefit period of 26 weeks, and nine States have maximum periods ranging from 28 to 39 weeks. Again, an individual who collects benefits for 25 weeks rather than for 15 weeks realizes a 67-percent increase in benefits payable, even with no increase in the weekly benefit amount.

When the increase in benefit amounts, the shortening of the waiting period, and the extension of the benefit period are considered together, the record of the States in improving benefits is impressive, particularly in the large industrial States where the greater majority of covered workers reside. If rigid Federal benefit standards were imposed early in the program's history, there is reason to assume the improvements in the program would have been less favorable. Father

Joseph Becker, a noted scholar in this field, has stated:

> It is difficult to say whether the total protection of the system would have been greater if it had been completely federal. Provisions established by Congress would have been the result of compromises reached between the interests of the different sections of the country and might well have represented a lower standard of benefits than is currently paid by the major industrial states, where the great majority of covered workers live.

The adoption of the Federal benefit standard is not progressive, but regressive. The standard will reverse the progress the program has experienced, to the detriment of the great majority of covered workers. If the recommendations of the Johnson administration on unemployment compensation are an indication of the kind of Federal regulation we may expect, the capacity of the unemployment insurance program to meet the needs of our workers will experience a steady decline.

The committee's amendment could require extensive revisions in the unemployment insurance programs in all of the 50 States, in order to conform to one or more of the new Federal standards relating to eligibility, benefit amount, or duration periods.

In order to meet the Federal benefit eligibility standards imposed by the Senate amendment, 22 States would be required to amend their laws. Thirty-three States will be required to amend their laws to increase the maximum weekly benefit amounts payable. Additionally, 46 States will be required to increase the duration of their benefits payable for individuals who have 20 or more weeks base-period employment—or the equivalent. The States are required to make these amendments in order to secure the benefits of the tax credit provisions of Federal law.

There are many other changes in State law that will be required as a practical matter because the new Federal requirements will completely unbalance the present framework of State benefit provisions. The resources at the States' disposal in meeting the problems of the unemployed are not unlimited. The States, in allocating the available resources to most adequately meet the needs of the unemployed, have often followed benefit principles developed by Congress in the social security insurance program. Three of these principles involve providing minimum unemployment compensation benefits, replacing a greater proportion of the wages of lower-income groups, and providing dependency benefits in recognition of the increased burdens unemployment imposes on large families due to the high level of their nondeferrable expenditures.

Thirteen States replace a higher percentage of an individual's wages in the lower income groups. Since there is a greater difference between gross and net wages and a greater percentage of deferrable expenditures in the higher income groups, this practice is reasonable. Indeed, it is analogous to "loading the benefit schedules" at the lower benefit levels in the social security law. This practice of providing a larger benefit in proportion to contributions for the lower income groups has been consistently adopted by the Congress, most recently in the Social Security Amendments of 1965.

All of the States provide minimum unemployment compensation benefits. Minimum benefits for social security recipients have been consistently provided by the Congress, and they were increased by 10 percent last year when benefits were generally increased by only 7 percent.

Eleven States provide benefits that increase with the number of dependents an unemployed worker has. By the standards of present Federal law, providing dependent benefits would seem to be a reasonable allocation of resources. Social security benefits are increased when dependents are involved, and our income tax laws reflect similar thinking.

The Senate amendment will force the States to use their resources to provide increased benefits for individuals now receiving the largest benefit amounts, at the expense of poorer workers and families with dependents—those with the fewest deferrable expenditures.

Particularly serious is the impact the new benefit standard will have on the following 11 jurisdictions that provide dependents' benefits: Alaska, Connecticut, District of Columbia, Illinois, Indiana, Maryland, Massachusetts, Michigan, Nevada, Ohio, and Rhode Island. The bill reported by the committee completely disregards the dependency benefit formulas used by these 11 States. In some instances, an individual may not be receiving a basic benefit equal to 50 percent of the average weekly wage in covered employment, but may be receiving substantially more than that amount when dependency allowances are included. If dependency benefits are not included in determining whether a State meets the new Federal standard, the benefits a State will be required to pay may be so high that they frustrate the basic philosophy of the program. Although dependency benefits could be reduced in such a case, it would narrow the difference in benefits payable to individuals without dependents and those with large families, thus defeating the principle of dependents' allowances.

If dependency benefits are included in determining compliance with the new standard, the committee's amendment will increase the benefits payable to the general worker, while leaving the worker with dependents at the same level. Some of these States may even find it necessary to curtail or eliminate dependency allowances to finance these benefit increases. Providing increases for the highest paid workers at the expense of large families with many dependents violates the philosophy prevailing in these 11 States.

The committee bill, by making no attempt to deal with these problems, completely unsettles the law in these 11 States by leaving the question of dependency allowances up in the air. The problem may have been avoided because the majority knows that any realistic solution virtually spells the end for the present system of dependents' allowances in these States.

The State's freedom to prescribe the periods over which beneficiaries will draw benefits has been an integral part of our Federal-State system for the last 30 years. The trend in State legislation has been to adopt a "variable duration period," correlating the length of the benefit period to the amount of base-period employment of the claimant. While in 1941, 32 States had variable benefit periods, today 43 States—all but 7—have them.

The committee's bill will require all States to provide 26 weeks of benefits to any individual who has 20 weeks of base-period employment—or an equivalent where other formulas are applicable.

The imposition of a Federal standard relating to the "duration period" over which benefits are payable will also have a disruptive effect on State laws.

In order to fit this requirement into the present benefit schedules, such drastic amendments of State duration periods will be required that the practical effect will be to force the States to abandon variable benefit periods. To illustrate, Wisconsin now provides a maximum duration period of 34 weeks to individuals with 42 weeks of base-period employment. In order to leave its benefit schedule proportionate after providing 26 weeks of benefits to individuals with 20 weeks of base-period employment, Wisconsin would have to provide over 50 weeks of benefits for an individual with 42 weeks of base-period employment. Many other States providing benefits in excess of 26 weeks to claimants with strong labor force attachments would also be confronted with similar problems.

Additionally, many States provide benefits to individuals with less than 20 weeks of base-period employment. Similar amendments in these provisions would be required to maintain a proportionate and an equitable benefit schedule.

The argument for a uniform benefit period is based on the theory that individuals with a smaller amount of base-period employment have just as much need for unemployment compensation benefits as individuals with a higher degree of base-period employment. If this is the objective of requiring 26 weeks of benefits for 20 weeks of base-period employment, the means are not adapted to the ends. Resources now being used to provide shorter benefit periods for workers with less than 20 weeks of base-period employment may be needed to meet the new standard. When the cost of maintaining a proportionate benefit schedule after adoption of the new standard is added, many States may be forced to eliminate benefits to workers who have less than 20 weeks of base-period employment. Ironically, a Federal standard will ultimately reduce benefits for those with smaller base-period employment—the very group it is ostensibly designed to help.

These problems, resulting from the precipitous action taken by the Demo-

crat majority, will disrupt the unemployment compensation laws in all of the 50 States. It will impair the program's ability to meet the needs of our unemployed workers, for whom the program, as managed by the States, has been a bulwark during the past 30 years. For the reasons we have stated, the Republicans on the committee strongly recommend that the Senate delete the provisions providing Federal benefit standards relating to amount and duration.

WAGE-PRICE GUIDELINES STILL ESSENTIAL, BUT NEED REVISION

Mr. PROXMIRE. Mr. President, in the back of the minds of most Senators as this debate on the airline strike progressed was the crucial economic question of what a higher settlement than the 4.2 percent annual increase turned down by the machinists over the weekend will do to the wage-price guidelines.

Many Senators undoubtedly felt that whatever the labor-management issues involved here, it was desirable that the Congress act to prevent an airline wage settlement that could serve as a wage-price guideline buster, an inflationary cataclysm that might set off a wage-price spiral that could be disastrous for our economy.

Mr. President, to the best of my knowledge no one has tried to answer those fears, and I think they should, because those fears may well be groundless.

I say this as one who has taken a vigorous and active interest in this whole guideline matter over the years. I also speak as one who has spoken on the floor of the Senate and around the country in defense of President Johnson's wage-price guidelines, and the intelligent way both the Kennedy and Johnson administrations have used the guidelines to keep the cost of living down.

Mr. President, the machinists had a point in rejecting that 4.2-percent offer. The cost of living has already increased 1.9 percent this year. If in the remainder of 1966 we have the same experience we had in the first 6 months, we can expect the cost of living to go up to 2.8 percent over the full year.

Now what happens to that 4.2 percent wage increase if the cost of living goes up 2.8 percent?

It means the machinists' real wages would go up not 4.2 percent, but only 1.4 percent. Now, Mr. President, average productivity in American industry has increased 3.2 percent. This after all is just what the guideline means.

The result is that the machinists would be receiving less than half—in fact, only about 40 percent—of the average increase in productivity, and far less than their own productivity increase, which I understand in the airline industry is well above average.

Mr. President, what will happen if the airline pay increase becomes universal throughout the country? What will happen if workers generally receive a pay increase of 4.2 percent, which because of the increase in the cost of living will give them only a 1.4 percent increase in their real income? What will happen in view of the fact that these workers are really producing, this year, 3.2 percent more than they had been producing?

The result will be that their employers will enjoy a profit increment from the price increase of 1.8 percent on their labor costs and, of course, a 6 percent profit increase—a productivity increase of 3.2 percent and a price increase of 2.8 percent—on their nonlabor costs.

If the administration should modify the guideposts to allow for a 2.8 percent increase in the cost of living—that is, to give workers their full productivity increase plus a full allowance for a rise in the cost of living of the size I have discussed—it would mean that the guidelines would permit a wage increase of 6 percent, not the 4.2 percent which the machinists rank and file turned down.

Mr. President, I have checked out the arithmetic I am using in this speech with the economists of the Joint Economic Committee, and they agree that I am correct.

The fact is that the guidelines that prevent a workingman from receiving a full productivity increment plus a full allowance for the rise in the cost of living will keep his real wages—not his money wages, but his real wages—lower than the productivity he and other American workers taken together are contributing to the economy. In so doing, they would increase profits inequitably in relation to wage increases. Thus, the reason why wages are significant is that productivity is in real terms. Productivity is measured in real terms, not in money terms.

Finally, I challenge Senators to compare what has happened to wages, on the one hand, with profits on the other hand, in the past 3 years. In 1963, corporate profits after taxes were $33.1 billion. For the first quarter of this year, they were coming in at an annual rate of $48.7 billion, a more than 40 percent increase in only about 3 years. I doubt whether there has been a period in American history that has seen such a rapid escalation of productivity as we have seen in recent years—and it did not start from a depressed base.

Meanwhile, wages have gone up far, far less. There is little question that real wages—that is, wages allowing for the increase in the cost of living—have gone up far less than productivity has gone up in this country. That is why I said in the Senate last March 14, and repeat now:

> The administration should either greatly increase its flexibility in handling the wage-price guideposts to take this into account, or it should, from time to time in the course of the year, adjust the wage productivity measure upward from 3.2 percent with a cost-of-living adjustment to take actual price behavior into account.
>
> In general, however, it would be a tragic mistake to abandon wage-price guideposts. Under skillful administration handling they have served the Nation well. Of course, they cannot do the whole job. But monetary and fiscal policy cannot do the whole job either without provoking a needless recession.

Mr. President, I believe we need wage-price guidelines more urgently now than ever. I say that because we now have a situation in which there is some evidence that demand may be moderating in terms of supply. The gross national product grew only one-half of 1 percent in the second quarter of this year, between the beginning of April and the beginning of June. Unemployment increased from 3.7 to 4 percent between April and June. With the enormous increase in our work force of 1½ million a year and the great expansion of our productive facilities—because most of the increasing acceleration in our economy has been going into plant equipment—we will rapidly approach a point where our productive facilities, our productive capacity, will exceed the total amount.

Meanwhile, prices will go up if we become discouraged because of the airlines strike and if others misunderstand the wage-price guidelines, and if we do not provide the practicable, workable, and effective kind of wage-price guidelines which I believe can still serve the great purpose of keeping the rise in the cost of living under good control.

THREE AMERICAN WOMEN FIGHT DISEASE IN VIETNAM WITH FEW SUPPLIES, LESS MONEY, AND GREAT DEDICATION

Mr. PROXMIRE. Mr. President, I call the attention of the Senate to the efforts of three dedicated American women who live in Kontum, the heart of the Central Vietnamese Highlands: Patricia Smith, a doctor from Seattle; and two nurses, Joan Blonien and Jean Platz, both from Milwaukee. Dr. Smith went to Vietnam to help treat lepers among the Montagnard tribes in 1959. However, she soon found herself confronted by an overwhelming number of sick tribesmen and sent out a call for help to the United States. Joan Blonien answered immediately. A graduate of Marquette University in Milwaukee and a registered nurse, Joan has been in Vietnam, with only one short leave of absence, since 1960. The two were joined by Jean Platz, also a registered nurse and a graduate of Alverno College in Milwaukee, in 1961. Since that time the three have operated as a team, inseparable and invaluable since they have brought modern medicine to a people long ignored by society.

Dr. Smith started out in 1959 with only a truck. Soon she found a room she could use in Kontum as a small dispensary. Gradually, with the help and dedication of the 2 Milwaukee nurses, she opened a 10-bed clinic. Then people began to hear of the three brave Americans who lived near the southern terminus of the Ho Chi Minh trail. The war grew crueler and hotter around them. Many of their patients had been wounded by the fighting, but they stood their ground. A German bishop heard of their efforts and their need for a bigger hospital and more supplies. He raised enough money to provide them with a 40-bed hospital which now treats an average of over 100 patients at a time. The German gift was partially out of gratitude for aid given Germany under the Marshall aid program.

At the same time, Joan's mother, Mrs. Clem Blonien, and others in the Milwaukee suburb of Wauwatosa began to organize fundraising projects to help support the three Americans and their small staff of unskilled Montagnard assistants. The parish of the church of St. Jude the Apostle founded a Joan Blonien Club which helps buy much-needed food and medical supplies for the hospital. The ladies' auxiliary of the Knights of Columbus Council in Wauwatosa began to send medical supplies to Kontum.

These women face conditions often more primitive than those on our own frontiers over a century ago. The life expectancy of the Montagnard is under 30 and three-fourths of the children die before they reach maturity. Dr. Smith and her assistants have only the most rudimentary equipment—no X-ray machines and a chronic lack of medicine, even vitamins. They desperately need help.

The hospital is completely nonsectarian. Dr. Smith said on a CBS "Twentieth Century" program recently:

> We're not here to convert anyone to a political system or even a religious faith.

Their job is dangerous, but they are saving lives and winning hundreds of new friends for America. They deserve all the help the American Government and people can give them. I am sure I speak for my State, Mr. President, when I say Wisconsin is proud of them.

These nurses need the kind of help the AID program in Vietnam and our massive military program should be able to provide; and I intend to do all I can to help them get it.

I am telling the Senate today of what these three remarkable women have done because I hope other Members of Congress and Americans throughout the country will also help these three American women in their great mission of mercy.

SCHOOL MILK PROGRAM NEEDS RAPID ACTION

Mr. PROXMIRE. Mr. President, yesterday the House Rules Committee received a request from the House Agriculture Committee for an early hearing on H.R. 13361, a bill which, among other things, extends the special milk program for schoolchildren for an additional 4 years.

This legislation may be scheduled for action on the floor of the House in the near future. Its passage is essential if school administrators around the Nation are to have any firm assurance that the school milk program will continue to operate after June 30, 1967.

The school milk program provides midmorning and mid-afternoon milk breaks to the Nation's schoolchildren with the help of Federal funds. By providing an inexpensive supply of "nature's perfect food," it greatly aids the child from poorer families to receive the nourishment which is so essential if he is to perform adequately both in and out of school.

There is no disagreement on the value of this program. The administration has abandoned its earlier suggestion that the program be cut by 80 percent. Sixty-seven of my colleagues in the Senate have endorsed my bill to extend the program. Now all that remains is for Congress to speak by giving final approval to legislation extending the program. I hope we will do this in the very near future.

RECESS UNTIL TOMORROW AT 10 A.M.

Mr. LONG of Louisiana. Mr. President, in accordance with the previous order, I move that the Senate stand in recess until 10 o'clock a.m., tomorrow.

The motion was agreed to; and (at 6 o'clock and 6 minutes p.m.) the Senate recessed until Friday, August 5, 1966, at 10 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate August 4 (legislative day of Aug. 3), 1966:

FOREIGN SERVICE

The following-named Foreign Service officers for promotion from the class of career minister to the class of career ambassador:

Foy D. Kohler, of Ohio.

Douglas MacArthur II, of the District of Columbia.

The following-named Foreign Service officers for promotion from class 1 to the class of career minister:

Richard H. Davis, of the District of Columbia.

G. McMurtrie Godley, of the District of Columbia.

Marshall Green, of the District of Columbia.

William Leonhart, of West Virginia.

Henry J. Tasca, of the District of Columbia.

Leonard Unger, of Maryland.

EXTENSIONS OF REMARKS

Dr. Peter G. Berkhout

EXTENSION OF REMARKS

OF

HON. CHARLES S. JOELSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 4, 1966

Mr. JOELSON. Mr. Speaker, it is with a profound sense of deep regret and loss that I inform the House of the recent death of a man who, to many people in my State and throughout the country, was a source of inspiration and leadership.

Dr. Peter G. Berkhout, of Paterson, N.J., was the epitome of a well-founded, scholarly man. Educated first to be a minister, then to be a doctor of medicine, Dr. Berkhout maintained a consistent and ever-increasing interest in astronomy, music, education, theology, and many other fields.

Dr. Berkhout was not only a doctor of medicine, administering to the needs of the body; he was also interested in the mind and spirit of his fellow man. He was a member of the board of trustees of Calvin College in Grand Rapids, Mich., a member of the board of directors of the Eastern Christian School Association—the largest private school system in the State of New Jersey—and a leading member of the Paterson Rotary Club.

To his wife and family I offer my deepest expression of sympathy and consolation, and I share with our community in the great loss that we all have experienced.

The memory of Dr. Peter G. Berkhout will always remain as that of a man who, steadfast to his beliefs, selflessly and unfailingly served his community to the full measure of his ability.

SENATE

FRIDAY, AUGUST 5, 1966

(Legislative day of Wednesday, August 3, 1966)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by Hon. WILLIAM PROXMIRE, a Senator from the State of Wisconsin.

The Right Reverend Monsignor Denis Patrick Wall, pastor, St. Bede's Catholic Church, Clapham Park, London, United Kingdom, offered the following prayer:

We give thanks to God that He has given us this day. We ask Him that we may use it as He would have us use it.

Help us, Lord, to think and to speak and to act as You would have us to think and to speak and to act.

Help us to see ourselves as You see us.

Help us to love others as You love us.

Help us to understand others as You understand us. Help us to understand even those who oppose us.

Help us to act as You would have us act—help us to know that when we act, we act for You. Help us to know that all we have, that all we are, is from You, and not for us, but for those whom You have given us.

We pledge to You that, with Your help, we will act as You would have us act; we will be as You would have us be; we will seek to be as You are. Amen.